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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIRST SESSION

Geneva, 7 August - 1 September 1989

Rapporteur: Mr. Ribot Hatano

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CONTENTS

Chapter		Page
I.	Issues referred to the Commission on Human Rights for its attention, action or consideration	1
	A. Draft resolutions	
	I. Human rights monitoring mechanisms established within the United Nations framework	1
	II. Movement and dumping of toxic and dangerous products and wastes	1
	III. Compensation for victims of gross violations of human rights	2
	IV. Right to freedom of opinion and expression	3
	V. Assistance to Paraguay in the field of human rights	4
	VI. Discrimination against HIV-infected people or people with AIDS	6
	VII. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa	6
	VIII. Human rights in times of armed conflicts	8
	IX. Use of force by law enforcement officials	9
	X. Report of the Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States	9
	XI. International Year for Indigenous Rights	10
	XII. Sale of children	12
	XIII. Programme of action for prevention of sale of children, child prostitution and child pornography	13
	XIV. Status of the individual and contemporary international law	14

CONTENTS (continued)

Chapter			Page
I. (cont'd)	B.	Draft decisions	
		1. Traditional practices affecting the health of women and children	14
		2. Measures to combat racism and racial discrimination and the role of the Sub-Commission	15
		3. Draft universal declaration on indigenous rights	15
		4. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities	15
	C.	Sub-Commission resolutions and decisions referring to matters which are drawn to the Commission's attention and which require consideration or action by the Commission	
		A. Resolutions	
		1989/3 Situation in South Africa	16
		1989/5 Situation in China	16
		1989/6 Situation of human rights in Guatemala	16
		1989/7 Situation in East Timor	16
		1989/8 Situation in Lebanon	16
		1989/10 Situation of human rights in the Islamic Republic of Iran	16
		1989/19 Measures to combat racism and racial discrimination and the role of the Sub-Commission	16
		1989/23 Elimination of all forms of intolerance and of discrimination based on religion or belief	16
		1989/45 The report on human rights and youth prepared by Mr. Dimitru Mazilu	16

CONTENTS (continued)

Chapter — Page

I. (cont'd) B. Decisions

1989/101 Suspension of rule 59 to allow for voting by secret ballot on decisions under Economic and Social Council resolution 1503 (XLVIII) 16

1989/102 Consideration of communications under Economic and Social Council resolution 1503 (XLVIII) 16

1989/105 Provisional suspension of rule 59 to allow for voting by secret ballot on decisions under item 6 of the agenda .. 16

1989/107 Protection of persons detained on grounds of mental ill-health or suffering from mental disorder 16

1989/111 Report by Mr. Louis Joinet on administrative detention 16

1989/112 Meeting of experts on indigenous self-government 16

II. Resolutions and decisions adopted by the Sub-Commission at its forty-first session 17

A. Resolutions

1989/1 New international economic order and the promotion of human rights 17

1989/2 Protection of journalists 17

1989/3 Situation in South Africa 18

1989/4 Situation in the Palestinian and other Arab territories occupied by Israel 20

1989/5 Situation in China 23

1989/6 Situation of human rights in Guatemala 23

1989/7 Situation in East Timor 25

1989/8 Sitution in Lebanon 26

1989/9 Situation of human rights in El Salvador ... 26

READEX FICHE

CONTENTS (continued)

Chapter			Page
II. (cont'd)	1989/10	Situation of human rights in the Islamic Republic of Iran	28
	1989/11	Human rights monitoring mechanisms established within the United Nations framework	30
	1989/12	Movement and dumping of toxic and dangerous products and wastes	31
	1989/13	Compensation for victims of gross violations of human rights	31
	1989/14	Right to freedom of opinion and expression .	32
	1989/15	Assistance to Paraguay in the field of human rights	33
	1989/16	Traditional practices affecting the health of women and children	34
	1989/17	Discrimination against HIV-infected people or people with AIDS	35
	1989/18	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa	37
	1989/19	Measures to combat racism and racial discrimination and the role of the Sub-Commission	37
	1989/20	Realization of economic, social and cultural rights	38
	1989/21	Foreign debt, economic adjustment policies and their effects on the enjoyment of human rights	39
	1989/22	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers	40
	1989/23	Elimination of all forms of intolerance and of discrimination based on religion or belief	41
	1989/24	Human rights in times of armed conflicts ...	43

CONTENTS (continued)

Chapter			Page
II. (cont'd)	1989/25	Right of everyone to leave any country, including his own, and to return to his country	44
	1989/26	Prevention of hostage-taking	44
	1989/27	Right to a fair trial	46
	1989/28	Question of human rights and states of emergency	47
	1989/29	Question of human rights of persons subjected to any form of detention and imprisonment: detainees and hostages in Lebanon	49
	1989/30	Protection of staff members of the United Nations system	50
	1989/31	Application of international standards concerning the human rights of detained juveniles	52
	1989/32	Application of the death penalty to persons under 18 years of age	53
	1989/33	Use of force by law enforcement officials	54
	1989/34	Draft universal declaration on indigenous rights	55
	1989/35	Report of the Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States	57
	1989/36	International year for indigenous rights	58
	1989/37	Relocation of Hopi and Navajo families	59
	1989/38	Study on treaties, agreements and other constructive arrangements between States and indigenous populations	60
	1989/39	Respect for the right to life: elimination of chemical weapons	60
	1989/40	Congratulations to the Anti-Slavery Society	61

CONTENTS (continued)

Chapter			Page
II. (cont'd)	1989/41	Report of the Working Group on Contemporary Forms of Slavery	62
	1989/42	Sale of children	63
	1989/43	Programme of action for prevention of sale of children, child prostitution and child pornography	63
	1989/44	Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities	64
	1989/45	Report on human rights and youth prepared by Mr. Dimitru Mazilu	65
	1989/46	Status of the individual and contemporary international law	67
	1989/47	Interrelationship between human rights and international peace	68
B.	Decisions		
	1989/101	Suspension of rule 59 to allow for voting by secret ballot on decisions under Economic and Social Council resolution 1503 (XLVIII)	69
	1989/102	Consideration of communications under Economic and Social Council resolution 1503 (XLVIII)	69
	1989/103	List of studies already undertaken	69
	1989/104	Establishment of a sessional working group	70
	1989/105	Provisional suspension of rule 59 to allow for voting by secret ballot on decisions under item 6 of the agenda	70
	1989/106	Situation in Iraq	71
	1989/107	Protection of persons detained on grounds of mental ill-health or suffering from mental disorder	71
	1989/108	Human rights and the environment	71
	1989/109	Expression of thanks to Bangladesh	72

CONTENTS (continued)

Chapter			Page
II. (cont'd)	1989/110	Study of the issue of the privatization of prisons	72
	1989/111	Report by Mr. Louis Joinet on administrative detention	72
	1989/112	Meeting of experts on indigenous self-government	72
	1989/113	Composition of the Working Groups of the Sub-Commission	73
III.		Organization of the forty-first session	74
IV.		Review of the work of the Sub-Commission	79
V.		Review of further developments in fields with which the Sub-Commission has been concerned	84
VI.		Elimination of racial discrimination	91
	A.	Measures to combat racism and racial discrimination and the role of the Sub-Commission	91
	B.	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa	92
VII.		Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: Report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	94
VIII.		New international economic order and the promotion of human rights	
	A.	The role and equal participation of women in development	113
IX.		Communications concerning human rights: Report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)	116

CONTENTS (continued)

Chapter		Page
X.	Administration of justice and the human rights of detainees	118
	A. Question of human rights of persons subjected to any form of detention and imprisonment	118
	B. Question of human rights and states of emergency	118
	C. Individualization of prosecution and penalties, and repercussions of violations of human rights on families	118
XI.	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers	125
XII.	Elimination of all forms of intolerance and of discrimination based on religion or belief	127
XIII.	International peace and security as an essential condition for the enjoyment of human rights, above all the right to life	129
XIV.	Discrimination against indigenous peoples	131
XV.	Slavery and slavery-like practices	134
	A. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism	134
	B. Exploitation of child labour	134
XVI.	Promotion, protection and restoration of human rights at national, regional and international levels	137
	A. Status of the individual and contemporary international law	137
	B. Prevention of discrimination and protection of children: human rights and youth	137
	C. Prevention of discrimination and protection of women	137
	D. Protection of minorities	137
XVII.	Right of everyone to leave any country, including his own, and to return to his country	143

CONTENTS (continued)

Chapter		Page
XVIII.	Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-second session of the Sub-Commission	145
XIX.	Adoption of the report on the forty-first session	150
	Annexes	
I.	Attendance	151
II.	Administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its forty-first session	155
III.	List of studies and reports under preparation by members of the Sub-Commission in accordance with existing legislative authority	172
IV.	List of documents issued for the forty-first session of the Sub-Commission	175

NOTES

1. The summary records of the meetings are issued in final form by meeting, subject to correction. Any corrections to the records of the meetings of the current session will be issued in a single corrigendum - E/CN.4/Sub.2/1989/SR.1-SR.40/Corrigendum.

2. The number in parenthesis following the name of a member of the Sub-Commission, country or organization indicates the meeting at which a statement was made by the member, country or organization and corresponds to the relevant summary record.

3. At its thirty-seventh session, in resolution 17 (XXXVII) of 10 March 1981, the Commission on Human Rights requested the Sub-Commission, in drawing up its annual report to the Commission, to present and indicate clearly in an introductory chapter all matters requiring the approval of the Commission; such matters include all resolutions and decisions of the Sub-Commission other than those bearing on internal procedural questions or those which follow up previously approved or specifically mandated courses of action.

4. Chapter I has been prepared in accordance with that resolution. Draft resolutions recommended to the Commission for adoption are contained in section A and draft decisions referring to matters which require action or consideration by the Commission are indicated in section B. Sub-Commission resolutions and decisions referring to matters which are drawn to the attention of the Commission and which require consideration or action by the Commission are indicated in section C.

I. ISSUES REFERRED TO THE COMMISSION ON HUMAN RIGHTS FOR ITS ATTENTION, ACTION OR CONSIDERATION

A. Draft resolutions

I. Human rights monitoring mechanisms established within the United Nations framework

The Commission on Human Rights,

Taking into account Sub-Commission resolution 1989/11 of 31 August 1989,

1. Emphasizes the need to enhance the effectiveness of, and co-ordination between the human rights monitoring mechanisms established within the United Nations framework, and to increase their impartial contribution to the promotion and protection of human rights and fundamental freedoms in all parts of the world, and to constantly improve their relevant procedures;

2. Requests the Secretary-General to consider convening not later than 1991 an international meeting of experts on issues related to the international monitoring in the field of human rights and to inform the Sub-Commission, at its forty-second session, under the item "Review of further developments in fields with which the Sub-Commission has been concerned", of his plans with regard to the organization of the meeting, in particular relating to participation and background documentation on the functioning of international monitoring mechanisms in the field of human rights.

[See chap. II, sect. A, resolution 1989/11 and chap. IV.]

II. Movement and dumping of toxic and dangerous products and wastes

The Commission on Human Rights,

Recalling its resolution 1989/42 of 6 March 1989,

Taking into consideration General Assembly resolution 42/183 of 11 December 1987,

Taking into account the Final Act of the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, adopted on 22 March 1989,

Aware that the African Group which participated at the Conference of Plenipotentiaries at Basle did not sign the Convention of 22 March 1989,

Noting that the resolution of the Council of Ministers of the Organization of African Unity (CM/Res. 1225 (L)) held at Addis Ababa, Ethiopia, from 17 to 22 July 1989, reaffirmed the position taken by the African Group that participated at the Conference of Plenipotentiaries at Basle,

Reaffirming that the movement and dumping of toxic and dangerous products endanger basic human rights such as the right to life, the right to live in a sound and healthy environment and consequently the right to health,

1. Requests the United Nations Environment Programme to enter into negotiations with the Organization of African Unity so as to find global solutions to the problem of the transboundary movement of hazardous wastes and their disposal;

2. Requests the Secretary-General to submit a report on the result of the negotiations between the United Nations Environment Programme and the Organization of African Unity to the forty-seventh session of the Commission on Human Rights and forty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, respectively.

[See chap. II, sect. A, resolution 1989/12 and chap. V.]

III. Compensation for victims of gross violations of human rights

The Commission on Human Rights,

Bearing in mind resolutions 1988/11 of 1 September 1988 and 1989/13 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Deeply concerned over the substantial damages and acute sufferings caused to individuals, groups, communities and peoples as a result of gross violations of human rights and fundamental freedoms,

Recalling the United Nations standards for compensation so far adopted, in particular article 8 of the Universal Declaration of Human Rights, article 14, paragraph 6 of the International Covenant on Civil and Political Rights, article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and articles 8 to 21 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, of 29 November 1985), as well as relevant provisions of regional human rights instruments,

Considering the importance of further developing international standards and of filling remaining gaps in order to ensure that victims of gross violations of human rights and fundamental freedoms have an enforceable right to restitution, compensation and rehabilitation, as appropriate, fully recognized at the international level,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling resolutions 1988/11 of 1 September 1988 and 1989/13 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1990/... of ... 1990 of the Commission on Human Rights,

Authorizes the Sub-Commission to entrust Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, taking into account, inter alia, relevant existing international human rights norms on compensation and judgements by courts, decisions and views of international human rights organs and bodies, with a view to exploring the possibility of developing basic principles and guidelines in this respect,

Requests the Secretary-General to provide Mr. van Boven with all the assistance which he may require for the completion of his task.

[See chap. II, sect. A, resolution 1989/13 and chap. V.]

IV. Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right of everyone to freedom of opinion and expression,

Bearing in mind the International Covenant on Civil and Political Rights which reaffirms the right of everyone to hold opinions without interference as well as the right to freedom of expression,

Recalling its resolution 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 of 8 March 1988 and 1989/31 of 6 March 1989,

Considering that the effective protection and promotion of human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity,

Having examined the work done by the Sub-Commission on Prevention of Discrimination and Protection of Minorities relating to the right to freedom of opinion and expression,

Having examined also the Working Paper on the right to freedom of opinion and expression, prepared by Mr. Danilo Türk in accordance with the Sub-Commission's decision 1988/110 of 1 September 1988 (E/CN.4/Sub.2/1989/26),

Welcoming the recommendations made by Mr. Türk (paras. 63-65) and endorsed by the Sub-Commission in its resolution 1989/14 of 31 August 1989,

Endorses the decision of the Sub-Commission to entrust Mr. Louis Joinet and Mr. Danilo Türk with the preparation of a study on the right to freedom of opinion and expression, the current problems of its realization and on measures necessary for its strengthening and promotion,

Requests the Secretary-General to provide the two Special Rapporteurs with all the assistance they may require,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling the Commission on Human Rights resolutions 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 of 8 March 1988 and 1989/31 of 6 March 1989,

Recalling also the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 1988/110 of 1 September 1988 and its resolution 1989/14 of 31 August 1989,

Taking into account the Working Paper on the right to freedom of opinion and expression prepared by Mr. Türk,

1. Endorses the decision of the Sub-Commission to entrust Mr. Louis Joinet and Mr. Danilo Türk, members of the Sub-Commission, with the preparation of a study on the right to freedom of opinion and expression, the current problems of its realization and on measures necessary for its strengthening and promotion;

2. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteurs to carry out the said study;

3. Requests the Special Rapporteurs to submit a preliminary report on their study to the Sub-Commission for consideration at its forty-second session and to the Commission on Human Rights for comments at the Commission's forty-seventh session.

[See chap. II, sect. A, resolution 1989/14 and chap. V.]

V. Assistance to Paraguay in the field of human rights

The Commission on Human Rights,

Taking note of resolution 1989/15 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and other international instruments promoting and protecting human rights,

Reiterating that the Governments of all Member States are under the obligation to promote and protect human rights and fundamental freedoms,

Recalling that international co-operation in the field of human rights is one of the purposes of the Charter of the United Nations,

Noting with satisfaction the ratification by Paraguay of the American Convention on Human Rights and the readiness to ratify shortly the major international instruments on human rights,

Bearing in mind the positive developments in the overall situation in Paraguay and the endeavours of the Government and the people to consolidate democracy and guarantee the full observance of human rights and fundamental freedoms,

Noting with satisfaction that the Government of Paraguay has repealed repressive Laws Nos. 209 and 294, and has allowed all exiles to return, thus complying with the request made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights in earlier resolutions,

Noting with gratification the full observance of freedom of the press and the acknowledged progress achieved in the effective enjoyment of political rights,

Noting with interest the process of trade union reorganization initiated in Paraguay and the Government's announcement of a comprehensive agrarian reform in Paraguay,

Welcoming the request by the Government of Paraguay to receive as soon as possible technical assistance and advisory services in the field of human rights, something which highlights the will of the Government to continue to intensify the process of reforms to secure the effective and full enjoyment of human rights and fundamental freedoms,

Recalling General Assembly resolutions 41/154 of 4 December 1986 and 43/90 of 8 December 1988, as well as its resolutions 1985/26 of 11 March 1985 and 1989/72 of 8 March 1989 which highlight the duty of the United Nations to render effective assistance to countries which, living through a particular period in their history, stand in need of international co-operation to consolidate their democratic institutions and adapt their internal legislation to the demands of the proper rule of law,

Taking note of the importance of experts services, fellowships, training courses and seminars under the programme of advisory services, as forms of practical assistance to States to enable them to develop the infrastructure necessary to meet international standards in the field of human rights,

1. Welcomes the process of democratization in Paraguay, which is a crucial step towards the full and effective enjoyment of human rights and fundamental freedoms;

2. Notes with particular interest the ratification of the American Convention on Human Rights, the repeal of repressive Laws Nos. 209 and 294, as well as the full exercise of freedom of the press and the other reforms undertaken for the benefit of the Paraguayan population as a whole;

3. Encourages the Government of Paraguay to further the process of democratization and to continue the institutional and legal reforms to guarantee the effective enjoyment and full exercise of fundamental rights and freedoms;

4. Notes with satisfaction the request by the Government of Paraguay to receive technical assistance and advisory services in the field of human rights, as well as its full readiness to co-operate with the Commission on Human Rights;

5. Requests the Secretary-General to provide such advisory services and other appropriate forms of assistance in the field of human rights as are requested by the constitutional Government of Paraguay to foster democratic advances and the strengthening of the institutions responsible for ensuring respect for human rights;

6. Appeals to the international community to render all possible assistance to Paraguay so as to contribute to the realization of economic, social and cultural rights, as well as civil and political rights;

7. Decides to consider, at its forty-seventh session, the question of assistance to Paraguay in the field of human rights, under the agenda item, entitled "Advisory services in the field of human rights".

[See chap. II, sect. A, resolution 1989/15 and chap. V.]

VI. Discrimination against HIV-infected people or people with AIDS

The Commission on Human Rights,

Taking note of resolution 1989/17 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Endorses the appointment by the Sub-Commission of Mr. Luis Varela Quirós to undertake a study of problems and causes of discrimination against HIV-infected people or people with AIDS;

2. Recommends the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council,

Noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/17 of 31 August 1989 and Commission on Human Rights resolution 1990/... of ... 1990, authorizes a study of problems and causes of discrimination against HIV-infected people or people with AIDS to be undertaken by Mr. Varela Quirós.

[See chap. II, sect. A, resolution 1989/17 and chap. V.]

VII. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

The Commission on Human Rights,

Noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/18 of 31 August 1989,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1989/9 and Add.1);

2. Expresses also its thanks to all Governments and organizations which supplied the Special Rapporteur with information;

3. Welcomes with satisfaction resolution 1990/... of ... 1990 of the Commission on Human Rights, in which the Commission invites the Special Rapporteur:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa, giving such details regarding enterprises listed as the Special Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report through the Sub-Commission to the Commission on Human Rights;

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report;

4. Calls upon all Governments:

(a) To co-operate with the Special Rapporteur in making the report even more accurate and informative;

(b) To disseminate the updated report and give its contents the widest possible publicity;

5. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights, to consider the revised report at their forty-second and forty-seventh sessions respectively;

6. Requests the Secretary-General, in accordance with General Assembly resolution 43/92 of 8 December 1988 to make available to the Special Rapporteur two economists to help him develop his analysis and documentation on specific cases of special importance;

7. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid and to consolidating mutual co-operation in updating his report;

8. Requests the Secretary-General to bring the updated report of the Special Rapporteur to the attention of Governments whose national financial institutions continue to deal with the régime of South Africa, and to call upon them to provide the Special Rapporteur with any information or comments they may wish to present on the matter;

9. Invites the Secretary-General to continue to give the updated report of the Special Rapporteur the widest distribution and publicity as a United Nations publication.

[See chap. II, sect. A, resolution 1989/18 and chap. VI.]

VIII. Human rights in times of armed conflicts

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/24 of 31 August 1989,

Sharing the view expressed by the Sub-Commission that better respect for humanitarian law and the law of human rights is needed in times of armed conflict,

1. Calls upon all Governments to give particular attention to the education of all members of security and other armed forces, and of all law enforcement agencies, in the international law of human rights and of humanitarian law applicable in armed conflicts;

2. Considers it desirable that this education include transmission of knowledge of at least the following instruments: the Geneva Conventions of 1949 and the two Additional Protocols of 1977, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and other relevant instruments in the field of human rights as well as of the Code of Conduct for Law Enforcement Officials, the Standard Minimum Rules for the Treatment of Prisoners, the Declaration and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, and Basic Principles on the Independence of the Judiciary, with a view to ensuring respect for the principles and rules contained in these provisions;

3. Calls upon the Secretary-General to transmit this resolution to all Governments requesting information on the scope of education provided to members of the police and the armed forces;

4. Calls upon the Secretary-General to submit to the Sub-Commission, at its forty-second session in 1990, an analytical review of the replies received;

5. Further calls upon the Sub-Commission to study the matter further at its forty-second session with a view to making proposals to the Commission for further action in this field.

[See chap II, sect. A, resolution 1989/24 and chap. XIII.]

IX. Use of force by law enforcement officials

The Commission on Human Rights,

Gravely disturbed by repeated incidences of excessive use of force by law enforcement officials in different parts of the world,

Sharing the views expressed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in resolution 1989/33 of 1 September 1989,

1. Calls upon all Governments:

(a) To incorporate into their national legislation and practice United Nations standards on the use of force by law enforcement officials, and to ensure full implementation of these standards;

(b) To ensure that such international standards and the corresponding national legislation be made known and available in the languages of the country to practising lawyers, judges, prosecutors, and the general public;

(c) To include information on such international standards and corresponding national legislation into the education and training programmes for law enforcement officials, and to enhance respect for those standards;

2. Requests the Secretary-General to help organize workshops and other meetings on issues relevant to the Code of Conduct of Law Enforcement Officials, including the provision of technical services in this area.

[See chap. II, sect. A, resolution 1989/33 and chap. X.]

X. Report of the Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States

The Commission on Human Rights,

Recalling its resolution 1988/48 of 8 March 1988, recommending that a seminar be organized on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States,

Recalling also its resolution 1989/34 of 6 March 1989, taking note of the report of the Seminar (E/CN.4/1989/22), and requesting that it be given the widest possible distribution,

Believing that many of the recommendations of the Seminar relating to the development process offer positive ideas of practical and co-operative action by indigenous peoples and States,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling its resolution 1988/35 of 27 May 1988, authorizing the convening of a seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States,

Having examined the report of the Seminar (E/CN.4/1989/22) as well as the report and recommendations of the Working Group on Indigenous Populations on its seventh session (E/CN.4/Sub.2/1989/36),

1. Requests the Secretary-General to organize in 1991, within the existing resources and framework of the United Nations regular programmes of technical co-operation, a technical conference on practical experience in the realization of sustainable and environmentally sound self-development by indigenous peoples, with the participation of experts from governments, appropriate specialized agencies and indigenous peoples organizations; this conference should be held along the same lines and with the same participation as the Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States;

2. Invites the Secretary-General to consider requests from indigenous peoples organizations for technical assistance from the programme of advisory services in the field of human rights, and from other United Nations system programmes providing technical assistance in the field of human rights, development and the environment and, in appropriate cases, to accept and utilize the assistance contributed by indigenous peoples organizations themselves for this purpose.

[See chap. II, sect. A, resolution 1989/35 and chap. XIV.]

XI. International Year for Indigenous Rights

The Commission on Human Rights,

Mindful of the recommendation of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. José Martínez Cobo, regarding the proclamation of an international year of the world's indigenous populations (E/CN.4/Sub.2/1983/22/Add.8),

Recalling that the Economic and Social Council, by its resolution 1988/37 of 27 May 1988, recommended that the General Assembly should, when appropriate, proclaim such an international year,

Having considered the recommendation of the Sub-Commission, in its resolution 1989/36 of 1 September 1989, that an International Year for Indigenous Rights should be proclaimed in 1993,

Recommends the adoption by the Economic and Social Council of the following draft resolution:

The Economic and Social Council,

Recalling its resolution 1988/37 of 27 May 1988, which recommended that the General Assembly should, when appropriate, proclaim an international year of the world's indigenous populations,

Noting that the General Assembly did not act on this recommendation at its forty-third session,

Believing that the proclamation of an International Year for Indigenous Rights would be timely and would, inter alia, serve a significant promotional function in view of the ongoing standard-setting work of the United Nations in this field,

Believing also that such an International Year could serve as a basis for mobilizing and co-ordinating the work of the United Nations system, in furtherance of the social and economic development of indigenous peoples,

Recommends the adoption of the following draft resolution by the General Assembly:

The General Assembly,

Recalling resolution 1982/34 of 7 May 1982 of the Economic and Social Council, establishing annually a Working Group on Indigenous Populations with the mandate to review developments in this field, with a view to the development of standards,

Recalling also its resolution 40/131 of 13 December 1985 establishing a United Nations Voluntary Fund for Indigenous Populations to contribute to the future promotion and protection of human rights in that field,

Guided by its resolution 43/128 of 8 December 1988, which reaffirmed that programmes of teaching, education and information are central to the achievement of lasting respect for human rights and fundamental freedoms, and recognized the catalytic effect of initiatives of the United Nations in these fields,

Taking into account the guidelines for international years and anniversaries adopted by its decision 35/424 of 5 December 1980,

1. Proclaims 1993 the International Year for Indigenous Rights, to commence at the forty-seventh session of the General Assembly;

2. Invites the Working Group on Indigenous Populations to recommend specific and practical activities of a promotional and educational nature which might be undertaken by the United Nations, Member States, the specialized agencies, intergovernmental and non-governmental organizations in preparation for and in connection with the International Year for Indigenous Rights, within existing United Nations resources, and with the aim of strengthening international co-operation with indigenous peoples in the fields of human rights, development and the environment;

3. Invites the specialized agencies, and in particular the International Labour Organisation and United Nations Educational Scientific and Cultural Education, to consider the contributions they could make to the success of the International Year for Indigenous Rights;

4. Authorizes the United Nations Voluntary Fund for Indigenous Populations to receive before 1 January 1993, and to disburse by or before 1 January 1994, voluntary contributions by Governments, intergovernmental and non-governmental organizations for the purpose of augmenting the programme of activities for the International Year;

5. Requests the Secretary-General, through the Centre for Human Rights, to co-ordinate the programme of activities for the International Year for Indigenous Rights.

[See chap. II, sect. A, resolution 1989/36 and chap. XIV.]

XII. Sale of children

The Commission on Human Rights,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms and resolved to remain vigilant with regard to violations of such rights and freedoms wherever they occur,

Recalling the provisions of the Declaration on the Rights of the Child proclaimed by the General Assembly on 20 November 1959 in its resolution 1386 (XIV) and, in particular:

Principle 2, whereby the child shall enjoy special protection and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity; and

Principle 9, whereby the child shall be protected against all forms of neglect, cruelty and exploitation and shall not be the subject of traffic, in any form,

Recalling the provisions of resolution 1989/36 of 6 March 1989, by which the Sub-Commission on Prevention of Discrimination and Protection of Minorities is invited to continue to give due regard to new developments in the field of human rights,

Recalling its resolutions 1982/20 of 10 March 1982, 1988/42 of 8 March 1988 and 1989/34 of 6 March 1989,

Having considered the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1989/39) submitted to the Sub-Commission,

Deeply concerned about the existence in many parts of the world of cases of serious violations of the rights of children, particularly cases of the sale of children, child prostitution and child pornography,

1. Decides to appoint for a period of one year a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes;

2. Requests the Chairman of the Commission, following consultations with the other members of the Bureau, to appoint as special rapporteur a person of international reputation;

3. Invites the special rapporteur to take account, in fulfilling his mandate, of the need to be in a position to use any credible and reliable information made available to him, to request the Governments concerned to state their views and comment on any information he intends to include in his report and to carry out his task with discretion and independence;

4. Requests the Secretary-General to urge all Governments to co-operate closely with the special rapporteur and to offer their co-operation and assistance so that he may fulfil his mandate effectively;

5. Also requests the Secretary-General to give the special rapporteur any necessary assistance;

6. Requests the special rapporteur to submit a comprehensive report to the Commission at its forty-seventh session on his activities relating to these matters, including the frequency and extent of such practices, as well as his conclusions and recommendations;

7. Decides to consider the question at its forty-seventh session.

[See chap. II, sect. A, resolution 1989/42 and chap. XV.]

XIII. Programme of action for prevention of sale of children, child prostitution and child pornography

The Commission on Human Rights,

Having examined the report of the Working Group on Contemporary Forms of Slavery submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session (E/CN.4/Sub.2/1989/39),

Having noted with great concern the information about the world-wide occurrences of the sale of children, child prostitution and child pornography,

Noting also that most of the victims of sexual abuse are children from third world countries exploited by foreign tourists,

Gravely concerned with the damage this causes for the children affected,

Endorsing the view expressed by the Sub-Commission that a concerted programme of action should be adopted to counteract these abuses,

Having examined the various elements in the draft Programme of Action proposed by the Sub-Commission,

1. Decides to transmit to Governments, specialized agencies and other intergovernmental organizations as well as non-governmental organizations, the draft Programme of Action for their comments contained in the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1989/39);

2. Requests the Secretary-General to present to the next session of the Commission an analytical summary of the responses received;

3. Further decides to examine at its forty-seventh session the draft Programme of Action and the report by the Secretary-General.

[See chap. II, sect. A, resolution 1989/43 and chap. XV.]

XIV. Status of the individual and contemporary international law

The Commission on Human Rights,

Taking into account Sub-Commission resolution 1989/46 of 1 September 1989,

Having considered the study entitled "The Status of the Individual and Contemporary International Law" elaborated by Ms. Erica-Irene A. Daes (E/CN.4/Sub.2/1989/40),

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Taking into account resolution 1989/46 of 1 September 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1990/... of the Commission on Human Rights,

1. Expresses its gratitude and deep appreciation to the Special Rapporteur, Ms. Daes, for her valuable and important study on the above-mentioned subject;

2. Decides that the study entitled "The Status of the Individual and Contemporary International Law" should be published and widely disseminated.

[See chap. II, sect. A, resolution 1989/46 and chap. XVI.]

B. Draft decisions

1. Traditional practices affecting the health of women and children

The Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/16 of 31 August 1989, approves the Sub-Commission's recommendations:

(a) That the mandate of the Special Rapporteur be extended for two years so as to enable her to present a more complete report;

(b) That field missions be undertaken by Ms. Warzazi if possible to two countries, where harmful traditional practices are prevalent;

(c) That international regional seminars be held on the subject of harmful traditional practices in Africa and Asia;

(d) That all efforts be made by the Centre for Human Rights to provide necessary support, including a full-time professional assistant, to liaise with Governments, United Nations agencies and Economic and Social Commissions, non-governmental organizations and other concerned institutions, with special emphasis on data-gathering from the many organizations currently working to eliminate harmful traditional practices, but which are not mentioned in the current report;

(e) That the subject of traditional practices be on the agenda of the Sub-Commission for sustained follow-up.

[See chap. II, sect. A, resolution 1989/16 and chap. V.]

2. Measures to combat racism and racial discrimination and the role of the Sub-Commission

The Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/19 of 31 August 1989, decides to recommend to the Economic and Social Council that the final report of the Special Rapporteur, Mr. Asbjørn Eide (E/CN.4/Sub.2/1989/8 and Add.1), be published and distributed on as wide a scale as possible.

[See chap. II, sect. A, resolution 1989/19 and chap. VI.]

3. Draft universal declaration on indigenous rights

At its ... meeting on ... 1990 the Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/34 of 1 September 1989, decides to recommend to the Economic and Social Council that the Working Group on Indigenous Populations be authorized to meet for 10 working days prior to the annual forty-second and forty-third sessions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for the purpose of intensifying its efforts to complete a draft universal declaration on indigenous rights in consultation with interested Governments and organizations of indigenous peoples.

[See chap. II, sect. A, resolution 1989/34 and chap. XIV.]

4. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

At its ... meeting, on ... 1990, the Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection or Minorities resolution 1989/44 of 1 September 1989, endorses the decision of the Sub-Commission to entrust Mr. Asbjørn Eide with the task of preparing a study of national experience in the protection of minorities, and decided to request the Secretary-General to give Mr. Eide all the assistance which may be necessary for the completion of this task.

[See chap. II, sect. A, resolution 1989/44 and chap. XVI.]

C. Sub-Commission resolutions and decisions referring to matters which are drawn to the Commission's attention and which require consideration or action by the Commission

A. Resolutions

1989/3	Situation in South Africa	para. 8
1989/5	Situation in China	para. 1
1989/6	Situation of human rights in Guatemala	para. 8
1989/7	Situation in East Timor	para. 7
1989/8	Situation in Lebanon	para. 4
1989/10	Situation of human rights in the Islamic Republic of Iran	paras. 4, 5
1989/19	Measures to combat racism and racial discrimination and the role of the Sub-Commission	para. 2
1989/23	Elimination of all forms of intolerance and of discrimination based on religion or belief	paras. 2, 3, 4
1989/45	The report on human rights and youth prepared by Mr. Dimitru Mazilu	para. 5

B. Decisions

1989/101	Suspension of rule 59 to allow for voting by secret ballot on decisions under Economic and Social Council resolution 1503 (XLVIII)
1989/102	Consideration of communications under Economic and Social Council resolution 1503 (XLVIII)
1989/105	Provisional suspension of rule 59 to allow for voting by secret ballot on decisions under item 6 of the agenda
1989/107	Protection of persons detained on grounds of mental ill-health or suffering from mental disorder
1989/111	Report by Mr. Louis Joinet on administrative detention
1989/112	Meeting of experts on indigenous self-government

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-FIRST SESSION

A. Resolutions

1989/1. New international economic order and the promotion of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1985/34 of 30 August 1985 on the consideration of the future work of the Sub-Commission and of the draft provisional agenda for the thirty-ninth session of the Sub-Commission,

Recalling also resolution 1985/28 of 11 March 1985 of the Commission on Human Rights,

Considering that one of the reasons for the non-realization of human rights and fundamental freedoms in developing countries is caused by economic, social and cultural problems,

Mindful of the difficulties it encounters in allocating sufficient time to the various items on its agenda,

Convinced however of the importance in dealing, on an annual basis, with the issue concerning the realization of economic, social and cultural rights,

Decides that the following item will be considered on an annual basis:

"The new international economic order and the promotion of human rights."

35th meeting
30 August 1989

[Adopted without a vote. See chap. IV.]

1989/2. Protection of journalists

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that the press and all other forms of mass media have served and continue to serve as very valuable and indispensable sources of information on gross violations of human rights,

Recalling further that journalists and mass media personnel perform a most honourable and useful role under most difficult conditions often when their very lives are being constantly threatened,

Taking into consideration the views expressed on this subject during the debate of the Sub-Commission,

1. Expresses its appreciation of journalists and other mass media personnel who promote human rights and provide valuable information on human rights violations worldwide;

2. Calls upon journalists and other mass media personnel to carry out their mission to expose gross human rights violations and to inform public opinion with maximum neutrality, fairness and objectivity;

3. Requests all Governments to provide journalists and mass media personnel with maximum protection of their human rights and support in their endeavours to reveal gross human rights violations;

4. Requests Mr. Waleed Sadi to prepare, without financial implications, for the use of the Sub-Commission at its forty-second session, a report on the feasibility of a study on ways and means to extend additional protection and assistance to journalists and mass media personnel while they carry out their duties with objectivity and fairness.

36th meeting
31 August 1989

[Adopted by secret ballot by 15 votes to 6, with 2 abstentions. See chap. VII.]

1989/3. Situation in South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolutions 1989/4 and 1989/5 of 23 February 1989,

Conscious of the worsening situation in South Africa as a result of the policies of repression pursued by the Government of South Africa,

Condemning the arrest, torture and killings of peaceful and defenceless demonstrators and workers on strike as well as the arbitrary arrest of leaders and activists of mass organizations,

Concerned about the forthcoming general election which is scheduled to be held along racial lines later this year, despite widespread black opposition to such an action,

Deeply concerned about the further curtailment of black trade-union rights, which is contained in the Labour Relations Amendment Act, passed in the racially-constituted Parliament of South Africa, and also the Illegal Squatting Bill aimed at relocating blacks to be passed by the racist Parliament of South Africa and deeply concerned that similar measures should not be introduced,

Noting with deep concern the ban imposed in 1988 by the Government of South Africa on all anti-apartheid groups, including the United Democratic Front and the End Conscription Campaign,

Seriously concerned about the alarming number of reported executions in South Africa,

Recalling General Assembly resolution 33/165 of 20 December 1978 on the status of persons refusing service in military or police forces used to enforce apartheid,

Conscious of the great courage, perseverance and sacrifices of the people of southern Africa in the face of aggression, occupation and oppression by the Pretoria régime,

Deeply concerned also about the planned sports tournament of South Africa by British rugby and cricket rebel groups,

Welcoming once again the establishment and launching of the Action for Resisting Invasion, Colonialism and Apartheid Fund (A/41/697-S/18392) at the Eighth Conference of Heads of State or Government of Non-Aligned Countries,

1. Reaffirms that apartheid is a crime against humanity;

2. Demands once again the immediate lifting of the state of emergency, immediate cessation of all acts of brutality by the South African army and security forces and the immediate release of all political prisoners;

3. Urges the Government of South Africa to lift promptly the ban on anti-apartheid organizations;

4. Reaffirms the right of all persons to refuse service in military or police forces which are used to enforce apartheid;

5. Calls upon the international community to assist the front-line States to safeguard their independence and territorial integrity against the aggression and destabilization carried out by the Government of South Africa;

6. Urges all States to provide, both individually and collectively, moral and material assistance to the oppressed people of South Africa and Namibia;

7. Appeals to the international community to put pressure upon the South African Government not to proceed with the execution of the 66 opponents of apartheid, including the "Upington Fourteen" who have been on death row for more than a year;

8. Requests the Chairman of the Commission on Human Rights to urgently transmit this appeal to the South African Government;

9. Calls upon the international community to continue its efforts towards total economic, cultural and political isolation of the South African apartheid régime until that country abandons its policy of apartheid;

10. Calls for immediate and complete disinvestment by foreign companies in a manner that all their links with the South African apartheid economy are cut off, including, inter alia, licensing and management contracts;

11. Urges foreign companies engaged in disinvestment from South Africa to ensure that financial and other benefits that have accrued to the black labour force are fully respected;

12. Strongly condemns the South African apartheid régime for:

(a) the recent sentence of capital punishment on 66 opponents of apartheid, including the "Upington Fourteen";

(b) The continuing acts of international terrorism and destabilization carried out against the front-line and other neighbouring States;

(c) The decision to go ahead, despite widespread black opposition, with a general election along racial lines;

13. Vigorously condemns all collaboration, particularly in the nuclear, military and economic fields, with the Government of South Africa;

14. Vigorously condemns any breach, circumvention or undermining of the international sports boycott against apartheid in South Africa by any group or individuals including the British cricket and rugby players;

15. Calls upon all countries that have not yet done so, and in particular Israel and Equatorial Guinea, to cut all military links with South Africa.

36th meeting
31 August 1989

[Adopted without a vote. See chap. VII.]

1989/4. Situation in the Palestinian and other Arab territories occupied by Israel

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the United Nations and, in particular, respect for the principles of equal rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the four Geneva Conventions of 1949, of the principles and provisions of international law, and of the obligations arising from the regulations annexed to The Hague Convention IV of 1907 on the Laws and Customs of War on Land,

Noting that all States parties to the Geneva Conventions of 1949 have undertaken to respect and to ensure respect for the Conventions under all circumstances,

Recalling all the resolutions of the General Assembly and the Commission on Human Rights concerning the practices of the Israeli occupation authorities affecting the human rights in the Palestinian and other Arab territories occupied by Israel,

Recalling the relevant Security Council resolutions, specifically resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988 and 636 (1989) of 6 July 1989,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and the relevant reports of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization,

Recalling with interest the press releases issued by the International Committee of the Red Cross in Geneva on 13 January 1988 and on 18 and 19 August 1988 with respect to Israel's repeated violations of the Fourth Geneva Convention of 1949,

Affirming its previous resolutions in this respect,

Deeply alarmed at Israel's persistent refusal to respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 and to apply it to the Palestinians in the occupied Palestinian territories, and at Israel's systematic and established violation of human rights over the past 20 years, and its persistence in perpetrating massacres against the Palestinian people, as happened recently at Nahalin village on 13 April 1989, and in the deportation and extradition of Palestinian citizens,

Welcoming the outcome of the 19th Special Session of the Palestine National Council as a positive contribution to the achievement of a peaceful settlement of the conflict in the area,

Welcoming the accession of Palestine to the four Geneva Conventions of 1949 and the two Additional Protocols thereto, of 1977,

1. Reaffirms that the Israeli occupation itself constitutes a gross violation of the human rights in the occupied Palestinian and other Arab territories, and a crime prejudicial to the peace and security of humanity under international law;

2. Reaffirms that the acts perpetrated by the Israeli occupation authorities of deliberate killing of Palestinians, including children, breaking limbs of young men and causing grave harm to their physical safety, subjecting cities, villages and camps to living conditions designed to destroy them by imposing curfews thereon and preventing their provision with food and medical supplies, firing gas bombs inside the houses, mosques and hospitals thus causing the death of many people by asphyxia, preventing new births by aborting pregnant women through severe beating and throwing gas bombs inside their homes, all such acts constitute grave violations of international law;

3. Reaffirms that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to the Palestinians and to the Palestinian and other Arab territories occupied by Israel, and that Israel's violation of the provisions of these Conventions, by torturing the Palestinian detainees and treating them in an inhuman manner, imposing collective punishment and administrative detention on thousands of them, expelling and deporting the citizens outside their homeland by force and attacking and destroying properties and homes, are crimes of war under international law;

4. Affirms once again the right of the Palestinian people to resist the Israeli occupation by all means in accordance with United Nations resolutions, and affirms that the intifada of the Palestinian people against occupation since 8 December 1987 is one such means confirming their determination to liberate their land and exercise their established rights;

5. Reaffirms the inalienable rights of the Palestinian people to return to their homeland, to self-determination without foreign interference and the establishment of their independent and sovereign State on their national soil in accordance with the Charter of the United Nations and General Assembly resolutions, and the need to enable the Palestinian people to enjoy full sovereignty over their land without foreign interference;

6. Condemns Israel for:

(a) Its gross violations of the international conventions, rules of international law, and the Geneva Conventions of 1949 through its systematic and established practices mentioned herein, and calls upon Israel to desist therefrom forthwith and withdraw from the Palestinian and other Arab territories occupied by force, in accordance with the principles of international law and the relevant United Nations resolutions;

(b) Establishing Israeli settlements in the occupied Palestinian and other occupied Arab territories and calls for their dismantlement. It confirms that all measures taken by Israel with the purpose of altering the political, cultural, religious and other characters in the occupied Palestinian and other occupied Arab territories are illegal, null and void;

(c) Its continued occupation of the Syrian Arab Golan and its defiance of the relevant United Nations resolutions, in particular Security Council resolution 497 (1981) of 17 December 1981, and considers that the decision issued by Israel in 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan is null and void;

(d) The inhuman treatment and terrorist practices in violation of human rights which the Israeli occupation authorities continue to exercise against Syrian Arab citizens in the occupied Syrian Arab Golan for their refusal to carry Israeli identity cards and in order to force them to carry such cards; which practices constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and requests all States and competent international organizations not to recognize any Israeli laws, jurisdiction or administration in respect of the occupied Syrian territory;

7. Supports the call to convene an international peace conference on the Middle East with the participation of all parties to the conflict, including the Palestine Liberation Organization as an equal partner and the five permanent Member States of the Security Council in accordance with Security Council resolution 242 (1967) of 22 November 1967, and on the basis of the established rights of the Palestinian people, especially their right to self-determination, and the withdrawal of the Israeli occupation forces from all occupied Arab territories, including Jerusalem;

8. Requests the Secretary-General to provide the Sub-Commission, at its forty-second session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other Arab territories, with the texts of the relevant United Nations decisions and resolutions, as well as with the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.

37th meeting
31 August 1989

[Adopted by secret ballot by 15 votes to 5, with 2 abstentions. See chap. VII.]

1989/5. Situation in China

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Concerned about the events which took place recently in China and about their consequences in the field of human rights,

1. Requests the Secretary-General to transmit to the Commission on Human Rights information provided by the Government of China and by other reliable sources;

2. Makes an appeal for clemency, in particular in favour of persons deprived of their liberty as a result of the above-mentioned events.

37th meeting
31 August 1989

[Adopted by secret ballot by 15 votes to 9. See chap. VII.]

1989/6. Situation of human rights in Guatemala

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Taking note with satisfaction of the efforts made by the Constitutional Government of Guatemala to restore respect for, and the protection of, human rights in that country,

Noting with interest that a plan for co-operation between the Centre for Human Rights and the Government of Guatemala, adopted pursuant to the programme of advisory services recommended by the Expert, Mr. Héctor Gros Espiell, on the situation of the human rights of the indigenous populations, referred to in Commission on Human Rights resolution 1989/74 of 8 March 1989, is currently being implemented,

Deeply concerned, however, at the fact that the Government has still not been able fully to control the situation of continuing violence caused by certain groups or sectors in authority,

Disturbed by information that despite the efforts by the Constitutional Government serious violations of human rights continue to occur, such as disappearances and extrajudicial executions affecting the lives and security of many persons, including defenders of human rights,

Seriously concerned about the human rights situation of the indigenous peoples, in particular with regard to respect for economic, social and cultural rights,

Having noted with appreciation the implementation, in the report submitted by the Expert to the Commission at its forty-fifth session, of the recommendation in paragraph 7 of Sub-Commission resolution 1988/14 of 1 September 1988,

1. Urges the Government of Guatemala to intensify its efforts to ensure that the human rights and fundamental freedoms of its citizens are fully respected and that it adopts and applies energetic measures to prevent violation of those rights and freedoms;

2. Encourages the Government of Guatemala to adopt concrete measures to improve the economic, social and political conditions of the indigenous peoples, taking into account their demands and proposals, as well as all relevant international standards in this field;

3. Encourages the Government of Guatemala to intensify its efforts to create the conditions which would allow refugees to return to their places of origin with full guarantees for their safety and the exercise of their human rights;

4. Deems it urgent that the Government of Guatemala intensify its efforts to ensure that all authorities and security forces fully respect the human rights and fundamental freedoms of its citizens;

5. Draws attention to the importance of an independent judiciary as a vital means of effectively protecting human rights and punishing violations thereof;

6. Underlines the need to provide whatever assistance is possible to the Government in achieving these aims;

7. Takes note of the report of the Expert, Mr. Gros Espiell, on advisory services and other forms of assistance that can be rendered to the Government of Guatemala in pursuance of resolutions 1987/53, 1988/50 and 1989/74 of the Commission on Human Rights of 11 March 1987, 8 March 1988 and 8 March 1989, respectively;

8. Recommends that the Expert in his forthcoming report give particular attention to the existing obstacles in Guatemala to the full realization of human rights, and that he indicate ways in which this situation may be resolved.

37th meeting
31 August 1989

[Adopted without a vote. See chap. VII.]

1989/7. Situation in East Timor

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the universally accepted rules on international humanitarian law,

Recalling its resolutions 1982/20 of 8 September 1982, 1983/26 of 6 September 1983, 1984/24 of 29 August 1984 and 1987/13 of 2 September 1987 concerning the situation in East Timor,

Considering the repeated allegations that the people of East Timor continue to be subjected to gross violations of human rights,

1. Welcomes the action taken by the Secretary-General regarding East Timor;

2. Requests the Secretary-General to continue his efforts to encourage all parties concerned, that is the administering Power, the Indonesian Government and representatives of the East Timorese people, to co-operate fully in order to achieve a durable solution, taking full account of the rights and wishes of the people of East Timor;

3. Takes note of the letter from Bishop Carlos Filipe Ximenes Belo, dated 6 February 1989 (A/AC.109/991), addressed to the Secretary-General calling for a referendum in East Timor;

4. Appreciates the Indonesian Government's new policy of openness in East Timor since January 1988;

5. Regrets however that more arrests, torture and summary executions are alleged to have taken place since the end of 1988;

6. Hopes therefore that the Indonesian Government will go a step further and allow representatives of human rights organizations to visit the territory;

7. Recommends to the Commission on Human Rights that it consider, at its forty-sixth session, the human rights situation and fundamental freedoms in East Timor.

37th meeting
31 August 1989

[Adopted by secret ballot by 12 votes to 9, with 3 abstentions. See chap. VII.]

1989/8. Situation in Lebanon

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by internationally recognized human rights and humanitarian law in armed conflicts,

Gravely concerned by the escalating violence in Lebanon which causes extensive loss of life,

1. Calls on all parties in Lebanon to initiate confidence-building measures towards the restoration of peaceful democratic processes making it possible to solve conflicts by peaceful means;

2. Underlines that humanitarian aid should reach, without discrimination, all parts of the civilian population and must not be used for achieving political purposes, selectively depriving parts of the population of their access to basic needs;

3. Considers that restoration of confidence among the Lebanese groups is possible only through restoration of Lebanon's sovereignty and territorial integrity, and therefore, calls for this purpose on all parties to comply with the relevant resolutions by the Security Council;

4. Recommends to the Commission on Human Rights to consider, at its forty-sixth session, the human rights situation in Lebanon and, in particular the role of external powers in aggravating that situation.

37th meeting
31 August 1989

[Adopted by secret ballot by 18 votes to 2, with 3 abstentions. See chap. VII.]

1989/9. Situation of human rights in El Salvador

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and article 3 common to the Geneva Conventions and Additional Protocol II thereto,

Bearing in mind that at their recent sessions, the General Assembly and the Commission on Human Rights regretted that in El Salvador, for political reasons, there had been an increase in the number of violations of human rights and of the humanitarian rules of war,

Deeply concerned at the continued raids on trade union premises, the military encirclement of university campuses and the repressive measures against organized workers attempting to exercise their labour rights,

Alarmed by the intensification of activities to terrorize the population that are being carried out by the death squads composed of police and armed forces personnel operating in civilian clothing under the orders of senior officers,

Regretting that the Government of El Salvador has continued to prevent the International Committee of the Red Cross from evacuating the war-wounded and maimed to other countries and frequently does not even allow it to transfer the seriously wounded to a local emergency hospital, and has attacked military hospitals,

Concerned at the frequent attacks and blockades against rural areas in zones of conflict and also at the destruction of the economic infrastructure resulting from the armed conflict,

Dismayed at the continued extremely unsatisfactory capacity of the judicial system to punish those guilty of violations of human rights,

Taking note with satisfaction that the Central American Presidents, at a recent meeting in Tela, urged the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to devise a negotiating process for the attainment of a just and lasting peace and requesting that all efforts be made for a dialogue between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional,

Believing that the efforts to establish a climate for the protection of human rights and a process leading to a political solution could be frustrated unless States refrain from intervening in the internal situation in El Salvador and suspend all supplies of arms and any type of military assistance,

1. Expresses its deep concern at the continuing increase in the number of human rights violations being committed in El Salvador and at the persistent failure to observe the fundamental norms of humanitarian law proclaimed in the Geneva Conventions and in the Additional Protocols thereto;

2. Expresses its satisfaction at the invitation of the Government of El Salvador for the Working Group on Enforced or Involuntary Disappearances to visit that country soon;

3. Confirms that, in accordance with the basic principles of humanitarian law, persons not participating directly in combat, although they may sympathize with, accompany, supply food to and live in zones under the control of the insurgents, preserve their civilian character and therefore

must not be subjected to military attacks by the government forces, nor may the latter prevent them from receiving any medical, food and material assistance they may require;

4. Reminds the Government of El Salvador that in accordance with Additional Protocol II to the Geneva Conventions, it must respect and give protection to the war wounded and disabled, it may not prevent their evacuation by the International Committee of the Red Cross so that they may receive the medical attention they require, and under no circumstances may it punish the health personnel for carrying out their medical activities;

5. Strongly urges the Government of El Salvador to take all necessary measures to ensure that those responsible for the murder of Monsignor Romero, Archbishop of San Salvador, be brought to trial, and that human rights are respected by all military, paramilitary and police forces; to ensure the independence and effectiveness of the judicial system and to ensure that all the provisions of its amendments to the Penal Code are compatible with the Universal Declaration of Human Rights;

6. Expresses the hope that the Government of El Salvador and the Frente Democrático Revolucionario-Frente Farabundo Martí para la Liberación Nacional, bearing in mind the Esquipulas II Accords and the recent meeting held in Tela, as well as the proposed solution submitted by the Frente, may develop a negotiation process for the achievement of a comprehensive negotiated political solution that will put an end to the armed conflict and guarantee the full exercise of the economic, political and social rights of all Salvadorians;

7. Repeats its request to the Special Rapporteur on Human Rights and Disability to undertake all measures available to him for the achievement of prompt and regular evacuation of the war wounded and disabled and to inform the Sub-Commission at its forty-second session of the results of his humanitarian effort;

8. Decides to consider the situation of human rights in El Salvador at its forty-second session.

37th meeting
31 August 1989

[Adopted by secret ballot by 12 votes to 7, with 5 abstentions. See chap. VII.]

1989/10. Situation of human rights in the Islamic Republic of Iran

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting Sub-Commission resolutions 8 (XXIV) of 9 September 1981, 1982/25 of 8 September 1982, 1983/14 of 5 September 1983, 1984/14 of 29 August 1984, 1985/17 of 29 August 1985, and, in particular, resolution 1987/12 of 1 September 1987,

Considering General Assembly resolutions, particularly the most recent one, resolution 43/137 of 8 December 1988, which expressed grave concern over the new wave of political executions,

Referring to numerous resolutions of the Commission on Human Rights and, in particular, resolution 1989/66 of 8 March 1989, in which the Commission expressed its grave concern at the reports of a wave of summary executions from July 1988 onwards, and also its deep concern about apparent flaws in the legal system, the large number of arrests and the numerous reports of ill-treatment and torture in prisons,

Taking note of numerous reports by United Nations special rapporteurs and by non-governmental organizations, and noting, in particular, reports by Mr. Reynaldo Galindo Pohl, the United Nations Special Representative on the situation of human rights in the Islamic Republic of Iran, including the most recent report of 26 January 1989 in which the names and particulars of 1,000 political prisoners executed since July 1988 were mentioned,

Concerned at the reports of the executions of thousands of political prisoners, many as alleged drug-smugglers, concerning which the names of more than 1,000 persons executed since January 1989 have been announced officially by the Islamic Republic of Iran,

Concerned also at reports of denial of the rights of minorities to enjoy their own culture, to profess and practise their own beliefs,

Further concerned at reports about persecution and detention of members of the Bahá'í community in the Islamic Republic of Iran,

1. Expresses its deep concern about the grave human rights violations in the Islamic Republic of Iran to which numerous resolutions and reports have referred, namely, those related to the right to life, the right to freedom from torture and from cruel, inhuman or degrading treatment or punishment, the right to liberty and security of person, the right to a fair trial, and the right to freedom of thought, conscience, religion, and expression;

2. Expresses its grave concern at the reports of a wave of summary executions since July 1988, as reported by the United Nations Special Rapporteur on summary or arbitrary executions and by non-governmental organizations;

3. Urgently calls upon the Islamic Republic of Iran to cease executions in particular those of political prisoners;

4. Urges the Islamic Republic of Iran to co-operate fully with the United Nations Special Representative and to enable him to pursue his investigations within the Islamic Republic of Iran, including facilitating visits to prisons and other places of detention;

5. Requests the Secretary-General to inform the Sub-Commission, at its forty-second session, of the report of the Special Representative, and of relevant reports by other special rapporteurs or bodies in the field of human rights, as well as of steps which have been and are being taken by United Nations organs to prevent violations of human rights in the Islamic Republic of Iran.

37th meeting
31 August 1989

[Adopted by secret ballot by 17 votes to 3, with 4 abstentions. See chap. VII.]

1989/11. Human rights monitoring mechanisms established within the United Nations framework

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that, in accordance with the Charter of the United Nations, Member States pledged themselves to take joint and separate action in co-operation with the Organization for the achievement of universal respect for, and observance of human rights and fundamental freedoms,

Emphasizing that international monitoring in the field of protection and promotion of human rights and fundamental freedoms is an essential instrument of strengthening confidence and co-operation among peoples and an element of constructive co-operation among States, based on the purposes and the principles of the Charter of the United Nations,

Taking note of the entry into force of a variety of international instruments in the field of human rights, the implementation of which has led to the establishment of new procedures and new monitoring bodies in this field,

Considering that the effective functioning of the monitoring mechanisms set up in accordance with the said United Nations instruments is indispensable for their effective implementation,

Recalling that a number of specialized agencies and other United Nations bodies perform important fact-finding and monitoring tasks in the field of human rights,

Considering the great importance of the various fact-finding and monitoring mechanisms established under the international instruments and the Charter of the United Nations for the promotion and protection of human rights and fundamental freedoms in all countries,

Acknowledging the importance of the non-governmental human rights organizations at international, regional, bilateral and national levels, which constitute a key element in the analysis, reporting and monitoring in this field,

Conscious of the valuable contribution of the Centre for Human Rights which provides necessary assistance to the human rights monitoring mechanisms established within the United Nations framework,

Noting the need to use all United Nations resources in the field of human rights more fully and effectively and the need to promote the implementation by Member States of their obligations through the existing mechanisms of co-operation and monitoring in this field,

Recalling in this respect Commission on Human Rights resolutions 1989/46 and 1989/47 of 6 March 1989, and 1989/48 of 7 March 1989,

Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution I.]

37th meeting
31 August 1989

[Adopted by 15 votes to 2, with 3 abstentions. See chap. IV.]

1989/12. Movement and dumping of toxic and dangerous products and wastes

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1988/26 of 1 September 1988 concerning the movement and dumping of toxic and dangerous products and wastes,

Recalling also resolution 1989/42 of the Commission on Human Rights of 6 March 1989,

Bearing in mind the lead role of the United Nations Environment Programme in all environmental matters, within the United Nations system,

Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

38th meeting
31 August 1989

[Adopted without a vote. See chap. V.]

1989/13. Compensation for victims of gross violations of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Deeply concerned over the substantial damages and acute sufferings caused to individuals, groups and communities as a result of gross violations of human rights and fundamental freedoms,

Recalling the United Nations standards for compensation so far adopted, in particular article 8 of the Universal Declaration of Human Rights, article 14, paragraph 6 of the International Covenant on Civil and Political Rights, article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, articles 8 to 21 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34) and any other relevant provision of other international instruments,

Bearing in mind the co-operation in this area between the United Nations Centre for Human Rights and the United Nations Programme on Crime Prevention and Criminal Justice,

Considering the importance of further developing international standards and of filling remaining gaps in order to ensure that victims of gross violations of human rights and fundamental freedoms have an enforceable right to restitution, compensation and rehabilitation, as appropriate, fully recognized at the international level,

Recalling in this respect its resolution 1988/11 of 1 September 1988,

1. Decides to entrust Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, taking into account relevant existing international human rights norms on compensation and relevant decisions and views of international human rights organs, with a view to exploring the possibility of developing some basic principles and guidelines in this respect;

2. Requests Mr. van Boven to submit a preliminary report for consideration by the Sub-Commission at its forty-second session;

3. Requests the Secretary-General to provide Mr. van Boven with all the assistance which he may require for the completion of his task;

4. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

38th meeting
31 August 1989

[Adopted without a vote. See chap. V.]

1989/14. Right to freedom of opinion and expression

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Bearing in mind the International Covenant on Civil and Political Rights which reaffirms the right of everyone to hold opinions without interference as well as the right to freedom of expression,

Recalling its resolution 1983/32 of 6 September 1983 and its decision 1988/110 of 1 September 1988,

Recalling also the resolutions of the Commission on Human Rights 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 of 8 March 1988 and 1989/31 of 6 March 1989,

Considering that the effective protection and promotion of human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity,

1. Takes note with appreciation of the working paper prepared by Mr. Danilo Türk in accordance with its decision 1988/110 of 1 September 1988 (E/CN.4/Sub.2/1989/26);

2. Endorses the recommendations made in that working paper (paras. 63-65);

3. Decides to entrust Mr. Louis Joinet and Mr. Danilo Türk with the preparation of a study on the right to freedom of opinion and expression, the current problems of its realization and on measures necessary for its strengthening and promotion;

4. Requests the Secretary-General to provide the two Special Rapporteurs with all the assistance they may require;

5. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution IV.]

38th meeting
31 August 1989

[Adopted without a vote. See chap. V.]

1989/15. Assistance to Paraguay in the field of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1983/28 of 6 September 1983 and 1984/9 of 28 August 1984, concerning the human rights situation in Paraguay, as well as Commission on Human Rights resolutions 1985/26 of 11 March 1985 and 1989/72 of 8 March 1989, relating to advisory services in the field of human rights,

Bearing in mind the acknowledged progress in the field of human rights that has gone hand in hand with the process of democratization in Paraguay,

Bearing in mind also the request for co-operation in the field of human rights made by the Paraguayan authorities,

1. Expresses its profound satisfaction at the changes in Paraguay in the field of human rights;

2. Encourages the authorities and the Paraguayan people to further the process of democratization and the advances in the field of human rights;

3. Recommends to the Commission on Human Rights the adoption of the following draft resolution:

[For the text, see chap. I, sect. A, draft resolution V.]

38th meeting
31 August 1989

[Adopted without a vote. See chap. V.]

1989/16. Traditional practices affecting the health of women and children

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1988/34 of 1 September 1988, in which it requested Ms. Halima Warzazi to study on the basis of information to be gathered from Governments, specialized agencies, other intergovernmental and non-governmental organizations concerned, recent developments with regard to traditional practices affecting the health of women and children and to bring the results of this study to the attention of the Sub-Commission at its forty-first session,

Recalling further resolution 1988/57 of 9 March 1988 of the Commission on Human Rights in which the Commission requested the Sub-Commission to consider measures to be taken at the national and international levels to eliminate such practices, and to submit a report to the Commission at its forty-sixth session in 1990,

Taking note of the report (E/CN.4/Sub.2/1989/42 and Add.1) presented by Ms. Warzazi, and sharing her concern about the lack of information supplied, in particular information from Governments, which has resulted in the presentation of a preliminary report,

Believing that the issue of traditional practices is a matter of serious concern to the international community because of its human rights implications,

1. Recognizes the request made by the Commission on Human Rights to consider measures to be taken at the national and international level to eliminate such traditional practices;

2. Recognizes that, in order to fulfil the mandate laid down in resolution 1988/34 there is a need for a more effective fact-finding programme;

3. Recommends:

(a) That the mandate of the Special Rapporteur be extended for two years so as to enable her to present a more complete report;

(b) That field missions be undertaken by Ms. Warzazi if possible to two countries, where harmful traditional practices are prevalent;

(c) That international regional seminars be held on the subject of harmful traditional practices in Africa and Asia;

(d) That all efforts be made by the Centre for Human Rights to provide necessary support, including a full-time professional assistant, to liaise with Governments, United Nations agencies and Economic and Social Commissions, non-governmental organizations and other concerned institutions, with special emphasis on data-gathering from the many organizations currently working to eliminate harmful traditional practices, but which are not mentioned in the current report;

(e) That the subject of traditional practices be on the agenda of the Sub-Commission for sustained follow-up;

4. Recommends the above-mentioned recommendations to the Commission on Human Rights for adoption at its forty-sixth session.

[For the text, see chap. I, sect. B, draft decision 1.]

38th meeting
31 August 1989

[Adopted without a vote. See chap. V.]

1989/17. Discrimination against HIV-infected people or people with AIDS

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that, in the Charter of the United Nations, the peoples of the United Nations reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and the equal rights of men and women, and determined to promote social progress and better standards of life for everyone,

Considering that all men and women have the right to health and medical care, that they are equal before the law and that they are entitled to equal protection under the law from all discrimination and from all incitement to discrimination related to their state of health,

Deeply concerned by the fact that it is not uncommon to observe discriminatory practices that are incompatible with medical ethics and human rights,

Convinced that the development of international co-operation and information in the field of health can help to diminish discrimination among human beings in health matters, and to prevent it,

Recalling its decision 1988/111 of 1 September 1988, and resolutionss 1988/57 and 1988/62 of 9 March 1988 and 1989/11 of 2 March 1989 ofthe Commission on Human Rights,

Recalling also World Health Assembly resolutions WHA 23.41 of 21 May 1970, WHA 30.43 of 19 May 1977, WHA 33.24 of 23 May 1980, WHA 35.23 of 14 May 1982 and WHA 41.24 of 13 May 1988,

Having discussed on a preliminary basis the concise note prepared by Mr. Luis Varela Quirós (E/CN.4/Sub.2/1989/5) and having also heard the relevant introductory statement made by Mr. Varela Quirós,

Welcoming resolution 1989/11 of the Commission on Human Rights,

1. Expresses its appreciation of the note by Mr. Varela Quirós;

2. Decides to entrust Mr. Varela Quirós with a study of problems and causes of discrimination against HIV-infected people or people with AIDS;

3. Recommends that the Special Rapporteur take into account resolution 1989/11 of the Commission on Human Rights and the issues and guidelines contained in the International Consultation on HIV/AIDS and Human Rights convened in Geneva from 26 to 28 July 1989, as well as the views expressed by the members of the Sub-Commission;

4. Recommends that the Special Rapporteur carry out his study in close co-operation with the World Health Organization;

5. Requests the Special Rapporteur to make a preliminary report to the Sub-Commission at its forty-second session;

6. Requests the Secretary-General and the Global Programme on AIDS of the World Health Organization to provide the Special Rapporteur with all the assistance which he may require for the successful completion of such a task;

7. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution VI.]

38th meeting
31 August 1989

[Adopted without a vote. See chap. V.]

1989/18. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1989/9 and Add.1);

2. Expresses also its thanks to all Governments and organizations which supplied the Special Rapporteur with information;

3. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution VI..]

38th meeting
31 August 1989

[Adopted without a vote. See chap. VI.]

1989/19. Measures to combat racism and racial discrimination and the role of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1983/10 of 5 September 1983 entrusting Mr. Asbjørn Eide with the preparation of a study on the achievements made and obstacles encountered during the Decade to Combat Racism and Racial Discrimination,

Recalling further the progress reports submitted by the Special Rapporteur to the Sub-Commission at its thirty-eighth and thirty-ninth sessions,

Having considered the Special Rapporteur's excellent and erudite final report (E/CN.4/Sub.2/1989/8 and Add.1) on the subject,

Conscious of the fundamental and far-reaching importance of further developing and strengthening effective measures to combat racism and racial discrimination,

1. Expresses its appreciation and grateful thanks to the Special Rapporteur, Mr. Eide, for his valuable, wide-ranging and enduring study on the achievements made and obstacles encountered during the Decade to Combat Racism and Racial Discrimination;

2. Decides to refer to the Commission on Human Rights, for further consideration, the final report of the Special Rapporteur, as well as the summary records of the debates on this issue during the forty-first session of the Sub-Commission;

3. Strongly recommends to the Commission on Human Rights that the final report of the Special Rapporteur be published and distributed on as wide a scale as possible;

4. Decides to consider further, at its forty-second session, the recommendations made by the Special Rapporteur and their implementation.

[For the text see chap. I, sect. B, draft decision 2.]

38th meeting
31 August 1989

[Adopted without a vote. See chap. VI.]

1989/20. Realization of economic, social and cultural rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of the economic, social and cultural rights which are indispensable to their dignity and the free development of their personality,

Convinced that in accordance with the Universal Declaration of Human Rights, the Proclamation of Teheran and General Assembly resolution 32/130 of 16 December 1977 equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Concerned that the implementation and promotion of economic, social and cultural rights and the obstacles to their realization have not yet received sufficient attention within the framework of the United Nations system,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, particularly the rights of the most disadvantaged,

Conscious also of the fact that the implementation of efficient measures to promote enjoyment of all human rights and fundamental freedoms requires a better understanding of extreme poverty and its effects on the exercise of human rights,

Convinced of the need to consider more effective and practical measures for the fuller realization of economic, social and cultural rights, which take into account recent developments in the world economic and social situation as well as in international law,

1. Welcomes the preliminary report entitled "Realization of Economic, Social and Cultural Rights" prepared by Mr. Danilo Türk, Special Rapporteur (E/CN.4/Sub.2/1989/19);

2. Endorses the preliminary conclusions made in that preliminary report (para. 94);

3. Requests the Special Rapporteur to prepare a progress report on the realization of economic, social and cultural rights, taking into account comments made in the discussion on the preliminary report at the forty-first session of the Sub-Commission;

4. Requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require for successful completion of this task;

5. Decides to consider the above-mentioned progress report at its forty-second session under a separate agenda item entitled "The realization of economic, social and cultural rights".

38th meeting
31 August 1989

[Adopted without a vote. See chap. VIII.]

1989/21. Foreign debt, economic adjustment policies and their effects on the enjoyment of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling also resolution 32/130 adopted by the General Assembly on 16 December 1977,

Bearing in mind the provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Declaration on Social Progress and Development,

Bearing in mind also Commission on Human Rights resolution 1989/15 of 2 March 1989,

Bearing in mind also the assessments contained in the report on the world social situation (E/CN.5/1989/2), according to which debt-related structural adjustment programmes have had adverse effects on the health and education sectors and on public services as a whole,

Considering that social progress and economic development in all countries are key factors in the full promotion of human rights and fundamental freedoms,

2. Decides to refer to the Commission on Human Rights, for further consideration, the final report of the Special Rapporteur, as well as the summary records of the debates on this issue during the forty-first session of the Sub-Commission;

3. Strongly recommends to the Commission on Human Rights that the final report of the Special Rapporteur be published and distributed on as wide a scale as possible;

4. Decides to consider further, at its forty-second session, the recommendations made by the Special Rapporteur and their implementation.

[For the text see chap. I, sect. B, draft decision 2.]

38th meeting
31 August 1989

[Adopted without a vote. See chap. VI.]

1989/20. Realization of economic, social and cultural rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of the economic, social and cultural rights which are indispensable to their dignity and the free development of their personality,

Convinced that in accordance with the Universal Declaration of Human Rights, the Proclamation of Teheran and General Assembly resolution 32/130 of 16 December 1977 equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Concerned that the implementation and promotion of economic, social and cultural rights and the obstacles to their realization have not yet received sufficient attention within the framework of the United Nations system,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, particularly the rights of the most disadvantaged,

Conscious also of the fact that the implementation of efficient measures to promote enjoyment of all human rights and fundamental freedoms requires a better understanding of extreme poverty and its effects on the exercise of human rights,

Convinced of the need to consider more effective and practical measures for the fuller realization of economic, social and cultural rights, which take into account recent developments in the world economic and social situation as well as in international law,

1. Welcomes the preliminary report entitled "Realization of Economic, Social and Cultural Rights" prepared by Mr. Danilo Türk, Special Rapporteur (E/CN.4/Sub.2/1989/19);

2. Endorses the preliminary conclusions made in that preliminary report (para. 94);

3. Requests the Special Rapporteur to prepare a progress report on the realization of economic, social and cultural rights, taking into account comments made in the discussion on the preliminary report at the forty-first session of the Sub-Commission;

4. Requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require for successful completion of this task;

5. Decides to consider the above-mentioned progress report at its forty-second session under a separate agenda item entitled "The realization of economic, social and cultural rights".

38th meeting
31 August 1989

[Adopted without a vote. See chap. VIII.]

1989/21. Foreign debt, economic adjustment policies and their effects on the enjoyment of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling also resolution 32/130 adopted by the General Assembly on 16 December 1977,

Bearing in mind the provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Declaration on Social Progress and Development,

Bearing in mind also Commission on Human Rights resolution 1989/15 of 2 March 1989.

Bearing in mind also the assessments contained in the report on the world social situation (E/CN.5/1989/2), according to which debt-related structural adjustment programmes have had adverse effects on the health and education sectors and on public services as a whole,

Considering that social progress and economic development in all countries are key factors in the full promotion of human rights and fundamental freedoms,

Deeply concerned that the adverse effects of debt-related structural adjustment programmes have exacerbated poverty in the developing countries, particularly among vulnerable groups, and have limited the capacity of these countries to achieve their social and economic objectives,

1. Affirms that any foreign debt strategy must be designed not to hamper the steady improvement of conditions guaranteeing the enjoyment of human rights and must be intended, inter alia, to ensure that debtor developing countries achieve an adequate growth level to meet their social and economic needs and their development requirements;

2. Stresses the need to revive the economic growth and development of these countries, reduce the political and social costs of structural adjustment programmes and to guarantee the necessary conditions for the full enjoyment of all human rights;

3. Considers it necessary to invite the developed countries and multilateral financial institutions to take particular account, in formulating their debt policies, of social objectives and growth and development priorities;

4. Invites the Special Rapporteur on problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights to take these factors into account in his study.

38th meeting
31 August 1989

[Adopted by 17 votes to 1, with 1 abstention. See chap. VIII.]

1989/22. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Convinced that an independent and impartial judiciary is a prerequisite for ensuring that there shall be no discrimination in the administration of justice,

Recognizing that adequate protection of the rights of citizens requires, inter alia, that all persons have effective access to legal services provided by lawyers who are able to perform effectively their proper role in the defence of those rights, and to counsel and represent their clients in accordance with the law and their established professional standards and judgement without any undue interference from any quarter,

Disturbed at the continued harassment and persecution of judges and lawyers in many countries,

Recalling Commission on Human Rights resolution 1989/32 of 6 March 1989 in which it requested that the Sub-Commission consider effective means of monitoring the implementation of the United Nations Basic Principles on the Independence of the Judiciary and the protection of practising lawyers,

Bearing in mind the co-operation in this area between the United Nations Centre for Human Rights and the United Nations Programme on Crime Prevention and Criminal Justice,

1. Calls on Governments to respect and observe the independence of the judiciary and refrain from arbitrary interferences in the performance of its duties;

2. Recommends that States provide for protection of practising lawyers against arbitrary restrictions and pressures in the exercise of their functions;

3. Invites Mr. Louis Joinet to prepare, without financial implications, a working paper on means in the area of monitoring by which the Sub-Commission could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers as requested in Commission resolution 1989/32;

4. Requests the Secretary-General to provide Mr. Joinet with all the assistance necessary for the successful completion of his task;

5. Decides to consider Mr. Joinet's report under the item "The independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers" at its forty-second session.

38th meeting
31 August 1989

[Adopted without a vote. See chap. XI.]

1989/23. Elimination of all forms of intolerance and of discrimination based on religion or belief

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Conscious of the need to enhance and encourage understanding, tolerance and respect in matters relating to freedom of religion and belief,

Noting the work already accomplished in the elaboration of international legal standards and norms concerning the elimination of intolerance and discrimination based on religion or belief,

Recalling Commission on Human Rights resolutions 1988/55 of 8 March 1988 and 1989/44 of 6 March 1989 and its own decision 1988/112 of 1 September 1988,

Recalling its resolution 1988/ : of 1 September 1988 in which it recommended to the Commission on Human Rights that it should consider establishing a pre-sessional open-ended Working Group to draft a binding instrument of freedom of religion or belief,

Taking into account the recommendations made at the Seminar on the Encouragement of Understanding, Tolerance and Respect in Matters relating to Freedom of Religion or Belief, held from 3 to 14 December 1984, at Geneva (ST/HR/SER.A/16),

Taking further into account the recommendations contained in the reports by Ms. Elizabeth Odio-Benito (E/CN.4/Sub.2/1987/26) and the Commission's Rapporteur, Mr. Angelo Vidal d'Almeida Ribeiro (E/CN.4/1989/44),

1. Expresses its appreciation and thanks to Mr. Theo van Boven for his working paper, prepared pursuant to Commission resolution 1988/55 and Sub-Commission decision 1988/112 (E/CN.4/Sub.2/1989/32);

2. Decides to submit the report of the Secretary-General (E/CN.4/Sub.2/1989/31 and Add.1), the said working paper by Mr. van Boven and the summary records for the consideration by the Sub-Commission thereon to the Commission, at its forty-sixth session;

3. Brings to the attention of the Commission, at its forty-sixth session, the following issues and considerations:

(a) The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief shall continue to serve as a basis for any further work both in standard-setting and in considering measures to ensure respect for the right to freedom of thought, conscience, religion and belief;

(b) The possibility of drafting any new binding instrument should be considered in the light of the complexity of the subject matter which requires careful preparatory work, sound research and analysis, along the lines of General Assembly resolution 41/120 of 4 December 1986;

(c) The Secretary-General might be requested to organize within the programme of advisory services, and not later than 1991, a seminar on the interrelationship which exists between the enjoyment of the right to freedom of thought, conscience, religion and belief and the other human rights and fundamental freedoms, taking into account the work carried out by the Committee on the Elimination of All Forms of Racial Discrimination and the Human Rights Committee in this field;

(d) Consideration may also be given to organize, in co-operation with UNESCO, the United Nations University, other interested intergovernmental and non-governmental organizations as well as academic and research institutions, a global consultation on the positions and approaches of different religions and beliefs to human rights and fundamental freedoms;

4. Reaffirms the willingness and interest of the Sub-Commission to make a further contribution to activities which may be considered by the Commission on Human Rights as a further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief.

38th meeting
31 August 1989

[Adopted without a vote. See chap. XII.]

1989/24. Human Rights in times of armed conflicts

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered, at its fortieth session, the interrelationship between human rights and international peace,

Noting that while some international conflicts have been brought to an end during the last years, a very high number of non-international armed conflicts can be observed in different parts of the world,

Noting that human rights shall continue to apply also during times of armed conflict, within the limits set by legitimate derogations during emergency,

Noting also the wide range of provisions in international humanitarian law adopted over the years which seek to ensure that human rights apply during armed conflicts,

Deploring the frequent lack of respect, during such conflicts, of relevant provisions in international humanitarian law and the law of human rights,

Considering it essential, therefore, that steps be urgently taken to ensure better respect for these provisions,

Noting also that the Universal Declaration of Human Rights was proclaimed "to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance",

Convinced that this is of particular importance for everyone who is or may come to take part in an armed conflict, where the right to life and to integrity is constantly at risk both for combatants and the civilian population,

Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution VIII.]

38th meeting
31 August 1989

[Adopted without a vote. See chap. XIII.]

1989/25. Right of everyone to leave any country, including his own, and to return to his country

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1982/23 of 8 September 1982 entrusting Mr. C.L.C. Mubanga-Chipoya with the preparation of an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country,

Having considered the Special Rapporteur's excellent study on the subject (E/CN.4/Sub.2/1988/35 and Add.1 and Add.1/Corr.1), as well as the Draft Declaration on Freedom and Non-Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country, annexed to the study,

Having also considered the comments received from Governments, specialized agencies, intergovernmental organizations and non-governmental organizations on the Draft Declaration (E/CN.4/Sub.2/1989/44 and Add.1-7),

Recalling its resolution 1988/39 of 1 September 1988,

Mindful also of Commission on Human Rights resolution 1989/39 of 6 March 1989,

1. Expresses its appreciation and thanks to the Special Rapporteur, Mr. Mubanga Chipoya, for the important contribution he has made to the legal doctrine relating to the right of everyone to leave any country, including his own, and to return to his country;

2. Requests the Secretary-General to prepare an analytical compilation of the comments on the Draft Declaration received from Governments, specialized agencies, intergovernmental organizations and non-governmental organizations and of the comments made by the members of the Sub-Commission;

3. Decides to establish, at its forty-second session, a sessional open-ended working group with the view to preparing a revised version of the Draft Declaration on Freedom and Non-Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country.

38th meeting
31 August 1989

[Adopted without a vote. See chap. XVII.]

1989/26. Prevention of hostage-taking

The Sub-Commission on the Prevention of Discrimination and Protection of Minorities,

Mindful of Security Council resolution 579 (1985) of 18 December 1985 and 618 (1988) of 29 July 1988 on hostage-taking, as well as the statement made by the President of the Security Council on 28 January 1987 (S/18641) condemning all cases of hostage-taking,

Recalling a report submitted by the staff representatives of the United Nations Secretariat to the Fifth Committee of the General Assembly in 1988 (A/C.5/43/27 and Corr.1) which contained a list of 12 staff members who, over the past 12 years, have been killed, executed, assassinated, have died, or are presumed to have died in detention in conditions that have never been clarified,

Further recalling the report of the Secretary-General to the forty-third session of the General Assembly which stated, in conclusion, that during that reporting period, there had been a disturbing overall increase in the number of cases involving the arrest and detention of officials of the United Nations, the specialized agencies and related organizations,

Distressed by the abduction of innocent citizens and persons and the detaining of these hostages contrary to all precepts of international law,

Horrified by the physical and mental ill-treatment and/or torture of these hostages in the most brutal manner over a prolonged period of time,

Expressing revulsion at the murder of some of these hostages in violation of the most fundamental principle of humanity,

Alarmed by the deliberate attempts to obstruct efforts of United Nations personnel to maintain peace by detaining, abducting, physically and/or mentally injuring or murdering representatives of the United Nations,

Profoundly disturbed by this continued assault on humanity in violation of both international law and universal standards of decency,

1. Condemns hostage-taking and the torture and murder which frequently accompanies such practice;

2. Condemns all who actively participate in or implicitly tolerate such activities by failing to take appropriate corrective steps;

3. Specifically condemns the abduction and murder of United Nations personnel as most recently exemplified by the brutal murder of the Commander of the United Nations Truce Supervision Organization (UNTSO) in Lebanon, Lt. Col. William R. Higgins;

4. Expresses its deepest sympathy and grief to the families of United Nations personnel whose members have been abducted and/or murdered;

5. Requests that all States take steps to prevent hostage-taking and to charge and bring to trial in conformity with international standards any who may participate in hostage-taking;

6. Calls upon all Governments to become parties to the International Convention against the Taking of Hostages and to observe faithfully its terms, in particular, the obligation to prosecute or extradite hostage-takers without exception;

7. Urges the Secretary-General to take all possible measures pursuant to previous resolutions of the Security Council and the Commission on Human Rights to stop hostage-taking and to seek the release of all hostages now being unlawfully detained;

8. Requests the Secretary-General to provide the Sub-Commission prior to its forty-second session a complete, up-to-date list of all United Nations personnel held in captivity with all available information concerning the names and whereabouts of the captors, if known;

9. Decides to remain seized of this question at its forty-second session.

40th meeting
1 September 1989

[Adopted without a vote. See chap. X.]

1989/27. Right to a fair trial

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling article 10 of the Universal Declaration of Human Rights which states that "everyone is entitled in full equality to a fair and public hearing by an independent tribunal, in the determination of his rights and obligations and of any criminal charge against him",

Recalling further article 14 of the International Covenant on Civil and Political Rights and, in particular, its subparagraph 3 (a) which states that everyone is entitled to "be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him",

Noting there is no current comprehensive study of recent developments concerning standards guaranteeing the right to a fair trial,

Noting further that under the International Covenant on Civil and Political Rights, the right to a fair trial is considered a derogable right and therefore may be suspended in certain circumstances, such as times of public emergency,

1. Decides to appoint Mr. Stanislav Chernichenko and Mr. William Treat as rapporteurs to prepare a report on existing international norms and standards pertaining to the right to a fair trial for submission to the Working Group on Detention and to the Sub-Commission;

2. Requests that the rapporteurs recommend which provisions guaranteeing the right to a fair trial should be made non-derogable;

3. Decides to add the issue of a right to a fair trial to the agenda of its forty-second session as a sub-item of the item entitled "The administration of justice and the human rights of detainees".

40th meeting
1 September 1989

[Adopted without a vote. See chap. X.]

1989/28. Question of human rights and states of emergency

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Economic and Social Council resolution 1985/37 of 30 May 1985, Commission on Human Rights resolution 1983/18 of 22 February 1983 and Sub-Commission resolution 1983/28 of 6 September 1983 concerning the question of human rights and states of emergency,

Recalling that, by its resolution 1985/32 of 30 August 1985, the Sub-Commission requested Mr. Leandro Despouy to draw up and update a list of countries which proclaim or terminate a state of emergency each year and to prepare an annual report containing reliably attested information on compliance with the rules, national and international, guaranteeing the legality of the introduction of a state of emergency,

Bearing in mind General Assembly resolutions 42/103 and 42/147 of 7 December 1987 and 43/114 of 8 December 1988 in which the General Assembly stressed the importance of avoiding the erosion of human rights by derogation and observed that the maintenance of states of emergency constitutes the source of frequent violations of human rights and gives rise to the arbitrary intervention of the authorities in the free exercise of democratic freedoms,

Bearing in mind also Commission on Human Rights decision 1989/105 of 6 March 1989 that the Special Rapporteur on the question of human rights and states of emergency should continue to update his work and submit to the Sub-Commission, at its forty-first session, an annual report and a list updated on the basis of the information received, and that he update his report submitted to the Sub-Commission at its forty-first session for the forty-sixth session of the Commission on Human Rights, and that the Secretary-General give the Special Rapporteur all the assistance he might require in order to enable him to carry out his work,

Having noted during the work of its thirty-eighth, thirty-ninth, fortieth and forty-first sessions the importance for the effective enjoyment of human rights of the principles concerning respect for the rules, national and international, guaranteeing the legality of the introduction of the state of emergency,

Noting with interest the usefulness, indicated by several speakers, of the provision by the Special Rapporteur and the Secretariat of technical assistance to States requesting it under the programme of advisory services in the field of human rights,

Having noted the need to strengthen the observance of all the intangible human rights, as well as the legal guarantees enabling a remedy to be sought from the competent authorities,

Having noted further that, in some circumstances, such as situations of war, armed conflict or internal unrest, emergency measures are taken without a state of emergency being officially proclaimed and that such measures have an impact on human rights which warrants thorough study by the Special Rapporteur,

1. Expresses its satisfaction with the Special Rapporteur's third annual report and with the list of States which have proclaimed, extended or terminated a state of emergency since 1 January 1985 (E/CN.4/Sub.2/1989/30 and Add.1 and Add.2/Rev.1);

2. Expresses its appreciation also to Governments, competent organs of the United Nations, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status which have submitted their information and comments to the Special Rapporteur on the question of human rights and states of emergency;

3. Invites Governments, competent organs of the United Nations, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status to provide further information to the Special Rapporteur;

4. Invites Governments to limit the introduction of states of emergency exclusively to situations which are sufficiently serious and exceptional to justify them, particularly in the case of internal unrest, in order to avoid making the use of states of emergency commonplace and thus possibly perpetuating them;

5. Recognizes the fundamental importance of the existence, in each country, of specific and effective national legislation enabling such situations to be dealt with in a manner conforming to international norms, invites Governments which have not yet done so to consider the adoption of internal legislation consistent with the requirements of international instruments concerning states of emergency and requests the Special Rapporteur to continue his work with the aim of submitting to the Sub-Commission draft standard provisions on emergency situations, including situations of internal unrest;

6. Requests the Secretary-General, under the programme of advisory services in the field of human rights, to give consideration to the technical assistance which might be furnished by the Special Rapporteur or by the Secretariat to States requesting it;

7. Invites the Special Rapporteur to continue the work with which he has been entrusted and to present to the Sub-Commission, at its forty-second session, the next annual report and list updated on the basis of the information received and to update his present report so that the Commission on Human Rights, at its forty-sixth session, will have before it the most recent and accurate information available;

8. Requests the Secretary-General to give the Special Rapporteur all the assistance he may require in order to enable him to carry out his work successfully;

9. Decides to examine the updated report and list transmitted by the Special Rapporteur as a matter of priority under the agenda item "Administration of justice and human rights of detainees: Question of human rights and states of emergency".

40th meeting
1 September 1989

[Adopted without a vote. See chap. X.]

1989/29. Question of human rights of persons subjected to any form of detention and imprisonment: detainees and hostages in Lebanon

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Expressing its deep concern at the continuing detention of foreign and Lebanese hostages in Lebanon in violation of the basic principles of human rights, in particular article 9 of the Universal Declaration of Human Rights, article 9 of the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief adopted by the General Assembly in its resolution 36/55 of 25 November 1981,

Recalling its resolution 1988/23 of 1 September 1988,

Taking note of the repeated condemnations expressed by the Government of Lebanon of all the acts of abduction which took place on the territory of Lebanon, and its intention to co-operate within its power with all the international parties concerned to release those hostages as soon as possible,

1. Considers that a lasting solution to the tragedy of the hostages in Lebanon should be sought primarily by helping Lebanon to recover its sovereignty and legal authority and to re-establish the rule of law in its territory;

2. Calls upon all parties, local and regional, involved in the war in Lebanon to release immediately and unconditionally all their detainees and hostages detained for political, religious or ethnic reasons or any other reason inconsistent with the norms of human rights, and to use whatever influence they have on those in direct control of detainees and hostages.

40th meeting
1 September 1989

[Adopted without a vote. See chap. X.]

1989/30. Protection of staff members of the United Nations system

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolutions 42/219 of 21 December 1987 and 43/225 of 21 December 1988, in which the Assembly deplored the increase in the number of cases where the functioning, safety and well-being of officials had been adversely affected, including cases of detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions,

Recalling Commission on Human Rights resolutions 1988/41 of 8 March 1988 and 1989/28 of 6 March 1989, respectively, in which it requested the Secretary-General to continue his efforts to ensure that the human rights and privileges and immunities of the United Nations staff members and their families were fully respected,

Recalling also its resolution 1987/21 of 3 September 1987, in which the Sub-Commission expressed its concern that some 50 staff members of the United Nations system were still detained, imprisoned, reported missing - some even having died in detention - or held in a country against their will and requested the Secretary-General to submit to it a detailed report on the situation of these staff members and their families,

Recalling also its resolution 1988/9 of 31 August 1988, in which the Sub-Commission recognized that the violations of the fundamental rights of staff members of the United Nations system and the threats against their security and independence could only have negative effects on the implementation of the mandates of the organs and agencies of the United Nations system,

Having examined the report (E/CN.4/1989/19) by the Secretary-General submitted to the Commission at its current session as an updated version of the report on detention of staff members of the United Nations and its specialized agencies presented to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fortieth session (E/CN.4/Sub.2/1988/17),

Taking note of the report prepared by Ms. Mary Concepción Bautista on the violations of human rights of staff members of the United Nations system, their families and experts as well as of the repercussions of these violations on the functioning of the United Nations organs and agencies,

Gravely concerned that a significant number of personnel in the service of the United Nations continue to be held captive or are otherwise unaccounted for,

Conscious that these violations of the fundamental rights of staff members of the United Nations system and these threats against their security and independence can only have negative effects on the implementation of the mandates of the organs and agencies of the United Nations system,

Noting with grave concern that, according to reliable reports, the health of detained officials has in some cases seriously deteriorated during their period of detention,

Preoccupied by the inordinate delays which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting that these efforts have already produced concrete results to ensure the security of international civil servants or to settle in a satisfactory way some cases,

1. Appeals again to Member States to respect and to ensure respect for the rights of staff members and others acting under the authority of the United Nations, and their families;

2. Requests the Secretary-General to redouble his efforts to ensure that the human rights and privileges and immunities of the United Nations staff members and experts and their families are fully respected;

3. Urges Member States to allow medical teams to investigate cases in which the health of staff members and experts and their families who are being detained is reported to have suffered and to permit the necessary medical treatment to be made available;

4. Urges Member States, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly in resolution 43/173 of 9 December 1988, to provide adequate and prompt information concerning the arrest or detention of United Nations staff members and their families, and to grant the representative of the competent international organization access to them without delay;

5. Expressed its appreciation to Ms. Bautista for the work she has accomplished and for her preliminary report;

6. Invites Ms. Bautista to continue her study so as to submit to the Sub-Commission at its forty-second session an updated version of the report submitted to it at its current session on the situation of international civil servants and their families detained, imprisoned, missing or held in a country against their will, including those cases which have been successfully settled during the year, as well as on the implementation of the measures referred to in paragraphs 3 and 4 of the present resolution;

7. Requests the Member States, the Secretary-General, and the heads of secretariat of the specialized agencies who have not yet done so, including the International Atomic Energy Agency and the General Agreement on Tariffs and Trade, to communicate all information concerning cases of arrest, detention, or abduction of officials of the United Nations or the specialized agencies, since 1980, in order to enable the Special Rapporteur to complete the mission assigned to her;

8. Invites the Special Rapporteur to continue her study and to submit a report to the Sub-Commission at its forty-second session, with proposals for practical measures to improve the present system and ensure that staff members of the United Nations and the specialized agencies are protected.

40th meeting
1 September 1989

[Adopted without a vote. See chap. X.]

1989/31. Application of international standards concerning the human rights of detained juveniles

The Sub-Commission on the Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1985/19 of 29 August 1985, and the subsequent report of the Secretary-General concerning the incarceration of children under the age of 18 with adult prisoners (E/CN.4/Sub.2/1987/30),

Bearing in mind that the separation of detained juvenile persons from adults is stipulated in the International Covenant of Civil and Political Rights (article 10 (b)), the Standard Minimum Rules for the Treatment of Prisoners (rule 8 (d)), the Standard Minimum Rules for the Administration of Juvenile Justice, or "Beijing Rules" (rule 13.4), and in article 37 of the draft Convention on the Rights of the Child as well as in regional human rights instruments,

Considering that document E/CN.4/Sub.2/1987/30 has not yet been discussed by the Sub-Commission and that further information has been made available to the Secretary-General on the question of children deprived of their liberty since that document was prepared,

1. Requests the Secretary-General to actualize document E/CN.4/Sub.2/1987/30 and to submit the said revision to the forty-second session of the Sub-Commission, for its discussion under item 10 of the provisional agenda;

2. Decides to appoint Ms. Mary Concepción Bautista to prepare a report, without financial implications, on the application of international standards concerning the human rights of detained juveniles, in particular the separation of juvenile and adult offenders in penal institutions, detention pending trial, least possible use of institutionalization, and the objectives of institutional treatment;

3. Further requests the Secretary-General to submit this resolution to Governments, specialized agencies and non-governmental organizations requesting their comments on these matters;

4. Decides to continue studying these matters at its forty-second session, under the item of its agenda, entitled "Administration of justice and human rights of detainees".

40th meeting
1 September 1989

[Adopted without a vote. See chap. X.]

1989/32. Application of the death penalty to persons under 18 years of age

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the Report of the Working Group on Detention (E/CN.4/Sub.2/1989/29),

Recalling that the non-applicability of the death penalty to persons under the age of 18 is stipulated by the International Covenant on Civil and Political Rights (article 6.5), the American Convention on Human Rights (article 4.5), the draft Convention on the Rights of the Child (article 37.a) and the Geneva Conventions on International Humanitarian Law of 1949 and their Additional Protocols,

Recalling also Commission on Human Rights resolution 1989/25 of 6 March 1989 transmitting the text of the Draft Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty to the forty-fourth session of the United Nations General Assembly for suitable action,

Considering that the General Assembly has repeatedly opposed the imposition of the death penalty on persons under the age of 18 inter alia in its resolutions 35/172 of 15 December 1980 and 40/143 of 13 December 1985, indicating that the application of the death penalty for crimes committed by persons below said age violates minimum international standards for the protection of human rights applicable to all Member States,

1. Urgently appeals to all those Member States that at present apply the death penalty to persons under the age of 18 to take the necessary legislative and administrative measures with a view to stopping forthwith this practice;

2. Requests all States in which the death penalty is currently applicable to consider the possibility of enacting legislation specifically prohibiting its application to persons under 18 years of age, in accordance with existing international standards;

3. Requests the Secretary-General to transmit this resolution to all Governments, requesting comments and information on their respective legislation in this matter, and to specialized agencies and non-governmental organizations for their comments on this issue;

4. Further requests the Secretary-General to prepare, on the basis of the information received from Governments, specialized agencies and non-governmental organizations, a report that will be submitted to the Sub-Commission at its forty-second session;

5. Decides to continue to review the question of the application of the death penalty to persons under the age of 18 years at its forty-second session under the item of its agenda, entitled "Administration of justice and human rights of detainees".

40th meeting
1 September 1989

[Adopted without a vote. See chap. X.]

1989/33. Use of force by law enforcement officials

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly in its resolution 34/169 of 17 December 1979,

Seriously disturbed by information that excessive force is used by law enforcement officials in various regions of the world,

Bearing in mind the need for international co-operation in the elaboration and adoption of agreed measures to ensure effective compliance with international standards and guidelines in this field,

Noting with satisfaction the progress made on the draft basic principles on the use of force and firearms by law enforcement officials, now under preparation for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Confirming the inalienable right of everyone to peaceful assembly, which includes the right to peaceful demonstrations,

Re-emphasizing that law enforcement officials should not use force in ways which effectively would undermine the enjoyment of this right,

Underlining that the use of force in law enforcement should take place only in exceptional circumstances and only to the extent strictly required to uphold law and order in a democratic society,

Underlining also that law enforcement officials should refrain from the use of fire-arms, tear gas and other equally harmful devices, except in cases of extreme circumstances where less dangerous means would be clearly insufficient,

Stressing the need to spell out, in national legislations, the list of means which can be used by law enforcement officials, and that actions taken by such officials shall always be subject to supervision by higher officials and to public scrutiny,

Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution IX.]

40th meeting
1 September 1989

[Adopted without a vote. See chap. X.]

1989/34. Draft universal declaration on indigenous rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1985/22 of 29 August 1985, which endorsed the decision of the Working Group on Indigenous Populations to emphasize its standard-setting activities, with the aim of producing a draft declaration on indigenous rights which may be proclaimed by the General Assembly,

Recalling also that the Economic and Social Council, by its resolution 1988/36 of 27 May 1988, requested the Chairman-Rapporteur of the Working Group, Ms. Erica-Irene A. Daes, to prepare a working paper containing a set of principles and preambular paragraphs for inclusion in a draft declaration, for consideration by the Working Group at its sixth session,

Recalling further its resolution 1988/18 of 1 September 1988, which endorsed the decision of the Working Group to adopt the working paper prepared by its Chairman-Rapporteur as the framework for the drafting of a universal declaration on indigenous rights, and entrusted the Chairman-Rapporteur of the Working Group with the task of preparing a first revised text based on the comments made and written observations and suggestions received,

Mindful that the Commission on Human Rights, in its resolution 1989/34 of 6 March 1989, urged the Working Group to intensify its efforts to continue and to complete, as soon as possible, the elaboration of standards of this field,

Noting the adoption, by the International Labour Organisation, of the Indigenous and Tribal Peoples Convention, No. 169 (1989),

Having examined with satisfaction and appreciation the revised draft declaration prepared by the Chairman-Rapporteur of the Working Group, Ms. Daes, as well as the report and recommendations of the Working Group on its seventh session (E/CN.4/Sub.2/1989/36),

Believing that the Working Group can best fulfil its standard-setting task with the greatest possible direct participation and consultation with interested Governments and organizations of indigenous peoples,

Reaffirming the importance of ensuring that the activities of the Working Group are better known in every country, in accordance with Commission on Human Rights resolution 1983/23 of 4 March 1983,

Convinced of the urgent need to promote and protect indigenous rights by means of a continued and comprehensive review of developments in this field, as well as through the evolution of standards, particularly by means of the preparation of a draft declaration on indigenous rights,

1. Expresses its appreciation to the Working Group, and especially to its Chairman-Rapporteur, Ms. Daes, for the progress made at its seventh session in carrying out its mandate, with particular reference to her first revised draft of a universal declaration on indigenous rights;

2. Expresses its deep satisfaction with the continued constructive participation of observers for Governments, indigenous peoples, specialized agencies and non-governmental organizations, in the annual sessions of the Working Group;

3. Welcomes the contributions made by Governments, indigenous peoples and non-governmental organizations to the United Nations Voluntary Fund for Indigenous Populations, which was able to facilitate the participation of a significant number of representatives of indigenous peoples in the seventh session of the Working Group, and encourages continued support for the activities of the Fund;

4. Welcomes also the planned information material by the Secretary-General relating to indigenous rights, as well as efforts by the Secretary-General to prepare and disseminate the text of the Universal Declaration of Human Rights in indigenous languages;

5. Endorses the programme of work and procedure adopted by the Working Group for the continuation and completion of the drafting of a Universal Declaration of Indigenous Rights, including its proposal to invite Governments and indigenous peoples organizations to participate in informal, in-sessional and open-ended drafting groups to seek agreement on recommendations which may be made for consideration by the Working Group;

6. Encourages Governments and indigenous peoples organizations also to conduct joint meetings at the national level to seek agreement on texts which may be submitted to the Working Group for consideration;

7. Requests the Secretary-General:

(a) To transmit the Working Group's report to Governments, indigenous peoples, intergovernmental and non-governmental organizations, as soon as possible after the present session of the Sub-Commission, for specific comments and proposals for the further elaboration of the revised text which is now contained in annex II of the report;

(b) To give all necessary assistance to the Working Group in discharging its tasks, including the dissemination of information about its activities to indigenous organizations in every country to encourage their wider participation, and to consider ways and means of better publicizing the aims and procedures of the Working Group within the framework of the information activities of the Centre for Human Rights keeping in mind, among others, Commission on Human Rights resolution 1983/23;

8. Recommends that the Chairman-Rapporteur of the Working Group, Ms. Daes, be entrusted with the task of preparing a second revised text of the draft declaration to be based on comments received in writing by members of the Working Group as well as those made orally in the session of the Working Group and on the written observations and suggestions received in accordance with subparagraph 7 (a) above;

9. Requests the Secretary-General to provide the Chairman-Rapporteur with all necessary assistance in carrying out this task;

10. Reiterates its recommendation that the reports of the Working Group should be made available to the Commission on Human Rights at each of its sessions;

11. Decides to include in the agenda of its forty-second and future sessions, as a matter of high priority, an item entitled "Discrimination against indigenous peoples";

12. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 3.]

40th meeting
1 September 1989

[Adopted without a vote. See chap. XIV.]

1989/35. Report of the Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the final report of Mr. José Martínez Cobo, Special Rapporteur, on the problem of discrimination against indigenous populations, in which he recommended the organization of international seminars within the programme of advisory services in the field of human rights (E/CN.4/Sub.2/1986/7 and Add.1-4),

Recalling also Commission on Human Rights resolution 1988/48 of 8 March 1988, which recommended to the Economic and Social Council the organization of a seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States,

Noting that this Seminar was conducted in Geneva on 16 to 20 January 1989, with the participation of 10 governmental experts and 9 experts from the indigenous non-governmental organizations,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, especially for the most vulnerable and disadvantaged, such as indigenous peoples,

Mindful of the importance of the widest possible exchange of views in this field among Governments, specialized agencies, competent organs of the United Nations, and organizations of indigenous peoples,

Believing that the report of the Seminar (E/CN.4/1989/22) contains a number of practical recommendations for strengthening international co-operation and for improving the political, economic and social conditions of indigenous peoples, in particular through the development process,

Having examined the report and recommendations of the Working Group on Indigenous Populations on its seventh session (E/CN.4/Sub.2/1989/36),

1. Requests the Secretary-General to encourage the global consultation of the realization of the right to development, to be held in accordance with Commission on Human Rights resolution 1989/45 of 6 March 1989, to take due account of the rights and concerns of indigenous peoples, and in particular of the report of the Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States, and to consider the extent to which the same principles may be applicable to other groups;

2. Requests the Secretary-General to organize, within the framework and resources of the Voluntary Fund for Advisory Services in the Field of Human Rights, regional training courses for indigenous peoples organizations on international human rights standards and procedures, to facilitate their participation in the work of the Working Group, and their attendance at other human rights organs and bodies of the United Nations system;

3. Invites the United Nations Centre for Transnational Corporations to assist the Working Group on Indigenous Peoples in compiling information on investments and operations on the lands of indigenous peoples, including lands which are currently in dispute;

4. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution X.]

40th meeting
1 September 1989

[Adopted without a vote. See chap. XIV.]

1989/36. International Year for Indigenous Rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its recommendation, by its resolution 1988/19 of 1 September 1988, that an international year for the promotion of indigenous rights should be proclaimed in 1993,

Conscious of the recommendations of the Second World Conference to Combat Racism and Racial Discrimination, with regard to the protection of indigenous rights, and to the use of education and the mass media to combat racial discrimination,

Mindful that the Economic and Social Council, by its resolution 1988/35 of 27 May 1988, encouraged States to ensure that educational and informational activities give an accurate interpretation of history, and do not perpetuate or justify theories of racial superiority or the subjugation of indigenous or other peoples,

1. Entrusts Mr. Asbjørn Eide and Ms. Christy Mbonu with the task of preparing a working paper on possible United Nations activities for an international year for indigenous rights, with an explicit focus on the development process and on promoting international co-operation with indigenous peoples organizations;

2. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution XI.]

40th meeting
1 September 1989

[Adopted without a vote. See chap. XIV.]

1989/37. Relocation of Hopi and Navajo families

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its decisions 1987/110 of 4 September 1987 and 1988/105 of 1 September 1988, regarding the relocation of Navajo and Hopi families,

Having reviewed the reports [E/CN.4/Sub.2/1989/35 (Part I) and Add.1 and E/CN.4/Sub.2/1989/35 (Part II)] submitted by Ms. Erica-Irene A. Daes and Mr. John Carey, pursuant to these decisions,

Mindful of the role the United Nations should play in facilitating the resolution of situations involving violations of universally-recognized human rights and fundamental freedoms, including the rights of indigenous peoples,

Believing that human rights and fundamental freedoms must be respected by institutions of local, internal or autonomous self-government, no less than by States,

Conscious of the complex historical factors which are responsible for the present condition of those Navajo and Hopi families which have been relocated,

1. Expresses its appreciation to Ms. Daes and Mr. Carey for their thorough, informative and useful reports;

2. Welcomes the initiatives recently taken by the Navajo Nation and Hopi Tribe to resolve the present situation by agreement;

3. Expresses the hope that involuntary resettlement will be suspended pending the conclusion of such an agreement, if both tribes consent;

4. Encourages the parties to ensure the effective participation of the families and communities affected in the negotiation and implementation of any settlement agreement.

40th meeting
1 September 1989

[Adopted without a vote. See chap. XIV.]

1989/38. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling resolution 1989/77 of 24 May 1989 of the Economic and Social Council authorizing the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur of the Sub-Commission on treaties, agreements and other constructive arrangements between States and indigenous populations,

Noting the discussion of the report of the Working Group on Indigenous Populations (E/CN.4/Sub.2/1989/36, paras. 93-95) with regard to this study, as well as recommendation No. 7 of the Working Group,

Looking forward to reviewing the preliminary report of the Special Rapporteur at its forty-second session,

1. Authorizes the Special Rapporteur, in the course of preparing his preliminary report, to undertake the necessary travel for consulting the Centre for Human Rights in Geneva and institutions in Washington D.C. and Seville;

2. Requests the Secretary-General to provide all assistance required by the Special Rapporteur to carry out his study and, in particular, to take the necessary steps to secure the appointment of the consultant who will assist him during the biennium 1990-1991.

40th meeting
1 September 1989

[Adopted without a vote. See chap. XIV.]

1989/39. Respect for the right to life: elimination of chemical weapons

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto,

Recalling General Assembly resolutions 42/99 of 7 December 1987 and 43/111 of 8 December 1988, reaffirming that all people have an inherent right to life,

Taking note of Security Council resolutions 612 (1988) of 9 May 1988 and 620 (1988) of 26 August 1988, on the need to consider appropriate and effective measures for eliminating the use of chemical weapons,

Mindful that the General Assembly, by its resolution 43/74 A of 7 December 1988, called upon all States to be guided by the need to curb the spread of chemical weapons pending the conclusion of a convention on the complete, effective and verifiable prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction, and requested the Secretary-General to investigate reports of the use of such weapons,

Recalling its resolution 1988/27 of 1 September 1988,

Concerned, in particular, by the reports of alleged use of such weapons against civilian populations, resulting in death, misery, and disability,

Concerned, further, by the long-term effects of the use of such weapons upon human health and the environment,

Convinced that the use of such weapons is also incompatible with the prohibition against any form of torture or cruel, inhuman or degrading treatment or punishment,

Believing also that continued efforts must be undertaken to sensitize public opinion to the massive, inhuman, and indiscriminate effects of the use of chemical weapons, and of the need for their complete elimination,

Having considered the report by the Secretary-General on this subject (E/CN.4/Sub.2/1989/4),

1. Takes note of the report of the Secretary-General on this issue (E/CN.4/Sub.2/1989/4);

2. Calls upon all States to strictly abide by their international obligations in this field;

3. Decides to give further consideration to this matter, at its forty-second session, on the basis of any further information which may be contained in reports by the Secretary-General to the United Nations bodies, or submitted by Governments or non-governmental organizations in consultative status.

40th meeting
1 September 1989

[Adopted without a vote. See chap. V.]

1989/40. Congratulations to the Anti-Slavery Society

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that the Anti-Slavery Society for the Protection of Human Rights, the oldest human rights organization in the world, is in 1989 celebrating its one hundred and fiftieth anniversary,

Noting that the Society in 1909 had merged with an even older organization, the Aborigines Protection Society, founded in 1837,

Aware of the great contribution that the Anti-Slavery Society has made to the cause of human rights over the last century-and-a-half by its tireless advocacy, research and concern for indigenous peoples as well as those suffering from abuses of slavery and slavery-like practices,

Conscious of the important and continuing vital work the Society does in maintaining its global programmes and providing information to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its working groups, and of the need for these valuable sources to be maintained,

Congratulates the Anti-Slavery Society on its one hundred and fiftieth anniversary and hopes that it will continue its good work in the years ahead.

40th meeting
1 September 1989

[Adopted without a vote. See chap. XV.]

1989/41. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the draft convention on the rights of the child and hoping that it will be adopted at the forty-fourth session of the General Assembly,

Taking note of the debate that took place during the fourteenth session of the Working Group on Contemporary Forms of Slavery and the forty-first session of the Sub-Commission regarding articles 21 and 38 of the draft convention,

Deeply concerned about the fact that in many parts of the world there is evidence of the sale and trafficking of children for adoption for commercial purposes,

Deploring the suffering that illicit adoptions inflict on children, on their biological family, and on adoptive parents acting in good faith,

Taking note also of the ongoing deliberations concerning article 38,

Deeply concerned that in many parts of the world children continue to take part in hostilities and are recruited into armed forces,

Recognizing that children who have been trained to hate and have participated in war are often mentally and morally crippled for life,

Deploring the fact that many child soldiers have been killed or seriously injured and that others languish as prisoners of war,

1. Expresses deep concern that some Governments and non-governmental entities solicit, encourage and at times coerce children to participate in military training and hostilities;

2. Expresses concern that the present formulation of article 21 of the draft convention is open to differing interpretations and should be subjected to a technical revision to preclude that adoption be used as a source of profit of any kind in favour of any party;

3. Recognizes that in connection with article 38 no effort should be spared to prevent the militarization of children;

4. Requests the Secretary-General to bring this resolution to the attention of the forty-fourth session of the General Assembly;

5. Further requests the Secretary-General to submit to the Sub-Commission, at its forty-second session, a report on the adoption of children for commercial purposes and on the recruitment of children into government and non-governmental armed forces and their participation in hostilities, taking into account the comments of Governments, and further information received by him;

6. Decides to consider these matters in subsequent sessions under the agenda item entitled "Contemporary forms of slavery".

40th meeting
1 September 1989

[Adopted without a vote. See chap. XV.]

1989/42. Sale of children

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the report of the Working Group on Contemporary Forms of Slavery on its fourteenth session (E/CN.4/Sub.2/1989/39), which was submitted to it at its forty-first session,

Recommends to the Commission on Human Rights that it should adopt the following draft resolution:

[For the text, see chap. I, sect. A, draft resolution XII.]

40th meeting
1 September 1989

[Adopted without a vote. See chap. XV.]

1989/43. Programme of action for prevention of sale of children, child prostitution and child pornography

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the fourteenth session of its Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1989/39) where the main theme was prevention of the sale of children, including the problem of adoption of children for commercial purposes, child prostitution, and child pornography,

Recognizing the extremely serious nature of the information there presented and that the international community should urgently take steps to prevent such practices,

Considering it desirable therefore to launch a concerted programme of action with the least possible delay,

1. Endorses the draft Programme of Action prepared to this effect by its Working Group on Contemporary Forms of Slavery, the text of which is found in the report of the Working Group (E/CN.4/Sub.2/1989/39);

2. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution XIII.]

40th meeting
1 September 1989

[Adopted without a vote. See chap. XV.]

1989/44. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 217 C (III) of 10 December 1948, in which the Assembly expressed concern for the fate of minorities, and requested the Sub-Commission to study effective measures for their protection,

Mindful of its mandate to make recommendations in this field, in accordance with resolutions 5 (I) of 16 February 1946 and 9 (II) of 21 June 1946 of the Economic and Social Council, and resolution 1 A (V) of 16 May 1949 of the Commission on Human Rights,

Recalling its resolution 1988/36 of 1 September 1988,

Mindful also of the Study on the rights of persons belonging to ethnic, religious and linguistic minorities prepared at the request of the Sub-Commission by Mr. Francesco Capotorti (United Nations publication, Sales No. E.78.XIV.1),

Guided by the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, in particular the inviolability of the territorial integrity and national unity of States,

Having examined the working paper (E/CN.4/Sub.2/1989/43) prepared by Ms. Palley in accordance with its resolution 1988/36,

Convinced that the Sub-Commission can best contribute to preventing situations involving minorities by studying and promoting positive measures for the development of minorities and for the peaceful and constructive solution of problems concerning them within the States in which they live,

Believing in the need for the study and dissemination of positive and practical approaches to questions of the assimilation, integration, or autonomy of minorities,

1. Expresses its appreciation to Ms. Claire Palley for her proposals;

2. Decides to entrust Mr. Asbjørn Eide with the preparation of a further report on national experience in this field, in accordance with the guidelines and principles contained in the working paper, for consideration at its forty-third session;

3. Invites Mr. Eide to present a progress report to the Sub-Commission at its forty-second session;

4. Decides to give further consideration to these issues at its forty-second and future sessions under a separate item of its agenda entitled "Protection of minorities";

5. Recommends to the Commission on Human Rights the adoption of the following draft decision:

[For the text, see chap. I, sect. B, draft decision 4.]

40th meeting
1 September 1989

[Adopted without a vote. See chap. XVI.]

1989/45. Report on human rights and youth prepared by Mr. Dimitru Mazilu

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolutions 36/29 of 13 November 1981, 37/49 of 3 December 1982, 38/23 of 22 November 1983, 41/98 of 4 December 1986 and 43/94 of 8 December 1988,

Recalling Commission on Human Rights resolutions 1982/36 of 11 March 1982, 1983/46 of 9 March 1983, 1985/14 of 11 March 1985, 1987/45 of 10 March 1987, and 1989/58 of 8 March 1989,

Recalling in particular Commission on Human Rights resolution 1985/13 of 11 March 1985 emphasizing the necessity to ensure full enjoyment by youth of the rights stipulated in all relevant international instruments as indispensable for human dignity and the free development of the human personality, and requesting the Sub-Commission on Prevention of Discrimination and Protection of Minorities to pay due attention to the role of youth in the field of human rights,

Recalling its resolution 1985/12 of 29 August 1985 by which it requested Mr. Dimitru Mazilu, in order to facilitate the Sub-Commission's discussion of the topic, to prepare a report on human rights and youth analysing the efforts and measures for securing the implementation and enjoyment by youth of human rights, particularly the right to life, education and work,

Having in mind Commission on Human Rights resolution 1987/44 of 10 March 1987 in which the Commission took note with appreciation of Sub-Commission resolution 1985/12 in which the Sub-Commission requested one of its members to prepare a report on human rights and youth analysing the efforts and measures for securing the implementation and enjoyment of human rights by youth, particularly the right to life, education and work, and to submit it to the Sub-Commission at its thirty-ninth session,

Noting the report on human rights and youth presented by Mr. Dimitru Mazilu (E/CN.4/Sub.2/1989/41),

Further noting the difficult circumstances in which this report was prepared and the fact that the information collected by the Secretary-General relating to this subject appears not to have been delivered to Mr. Mazilu,

Noting with deep concern the information on the personal situation of Mr. Mazilu and his family,

Noting with great regret that the Special Rapporteur was unable to present in person his report to the forty-first session of the Sub-Commission,

Recalling its debate on this subject during its forty-first session,

Aware of the great importance of the subject of human rights and youth,

Reaffirming the need to observe the guidelines and practices of the Sub-Commission concerning the contents and the structure of theme reports, in particular the inappropriateness of discussing them in the absence of the Special Rapporteurs,

1. Decides to request Mr. Mazilu to update his report in the light of the discussion during the Sub-Commission's forty-first session, the information already collected for him by the Secretary-General and any other pertinent information;

2. Further requests the Special Rapporteur to present his updated report to the forty-second session of the Sub-Commission;

3. Decides to invite Mr. Mazilu now to present his updated report in person to the Sub-Commission at its forty-second session;

4. Requests the Secretary-General to continue to gather and furnish to Mr. Mazilu information relating to his study, and to provide Mr. Mazilu with all the assistance he might need in updating his report, including consultations with the Centre for Human Rights;

5. Expresses its deep concern at the reports of the personal situation of Mr. Mazilu and his family and requests the Secretary-General to follow closely the personal situation of Mr. Mazilu and his family in order that he informs the Special Rapporteur on the human rights of United Nations staff members, experts and their families accordingly, and requests this Special Rapporteur to report to the Sub-Commission on this matter at its forty-second session, and to present through the Secretary-General a note to the Commission on Human Rights, at its forty-sixth session, on the situation of Mr. Mazilu;

6. Decides to consider the updated report on human rights and youth at its forty-second session under its agenda item "Promotion, protection and restoration of human rights at national, regional and international levels".

40th meeting
1 September 1989

[Adopted by 12 votes to 4, with 2 abstentions. See chap. XVI.]

1989/46. Status of the individual and contemporary international law

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling resolution 18 (XXVII) of the Commission on Human Rights of 10 March 1981, by which the Commission recommended to the Economic and Social Council that it authorize the Sub-Commission to appoint Ms. Erica-Irene A. Daes as Special Rapporteur with the mandate of undertaking a study on the topic entitled: "The Status of the Individual and Contemporary International Law",

Recalling also its resolutions 1985/31 of 30 August 1985 and 1988/40 of 1 September 1988,

Having considered the study elaborated by Ms. Daes (E/CN.4/Sub.2/1989/40),

Having also heard the relevant introductory statement by the Special Rapporteur,

1. Expresses its gratitude and deep appreciation to the Special Rapporteur, Ms. Daes, for the work she has accomplished and for the valuable and important study she has presented;

2. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution XIV.]

40th meeting
1 September 1989

[Adopted without a vote. See chap. XVI.]

1989/47. Interrelationship between human rights and international peace

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking into account the recommendations contained in Commission on Human Rights resolution 1982/7 of 19 February 1982,

Recalling its resolutions 1985/1 and 1985/2 of 19 February 1985 in which it stressed the interrelationship between the full realization of human rights and questions of peace and security,

Recalling further its resolution 1988/27 of 7 March 1988 in which it called for urgent measures to ensure the right to life,

Taking into account that in the contemporary world the interrelationship between the realization of human rights and peace and security is becoming even more evident,

Having discussed the report of the Secretary-General entitled "Interrelationship between human rights and international peace" (E/CN.4/Sub.2/1988/2), which was prepared in accordance with Sub-Commission resolution 1985/2,

Taking into account the views expressed during the debate on this item during its present session,

1. Expresses its appreciation to the Secretary-General for the thorough analysis of the problem provided in his report (E/CN.4/Sub.2/1988/2);

2. Emphasizes that strengthening of international peace and security, as well as the reduction of expenditure for arms are important conditions for social and economic development and for the materialization of all human rights, particularly the right to life and the right to development;

3. Underlines further that the effective realization of all human rights in all areas of the world will contribute to achieve international peace and security;

4. Expresses its conviction that it is necessary to undertake the study requested by the Commission on Human Rights in its resolution 1982/7;

5. Emphasizes also that the problem of interrelationship between human rights and international peace in all its aspects requires further examination, in particular taking account of the desire for transparency which, in certain regions of the world, is producing positive effects with respect to disarmament and peace;

6. Invites Mr. Murlidhar Bhandare to prepare, without financial implications, a working paper on the problem of the interrelationship between international peace and the effective materialization of all human rights, particularly of the rights to life and the right to development for consideration at its forty-third session.

40th meeting
1 September 1989

[Adopted without a vote. See chap. XIII.]

B. Decisions

1989/101. Suspension of rule 59 to allow for voting by secret ballot on decisions under Economic and Social Council resolution 1503 (XLVIII)

At its 28th meeting (closed part), on 25 August 1989, the Sub-Commission decided by a roll-call vote of 14 to 6, with 4 abstentions to suspend rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council, so as to allow for voting by secret ballot for decisions adopted at its forty-first session under Council resolution 1503 (XLVIII).

[See chap. IX.]

1989/102. Consideration of communications under Economic and Social Council resolution 1503 (XLVIII)

At its 29th closed meeting, on 25 August 1989, the Sub-Commission decided by 15 votes to 2, with 7 abstentions that, henceforth, the Working Group on Communications, acting under operative paragraph 1 of Council resolution 1503 (XLVIII), shall not consider a communication unless the Government concerned has had five months in which to submit a reply, from the day on which the communication was transmitted to the Government under Council resolution 728 F (XXVIII).

[See chap. IX.]

1989/103. List of studies already undertaken

The Sub-Commission at its 35th meeting, on 30 August 1989, taking note of Economic and Social Council resolution 1986/43 of 23 May 1986, Commission on Human Rights resolution 1988/43 of 8 March 1988, in which the Sub-Commission was invited to continue its efforts to rationalize its agenda, and resolution 1989/36 of 6 March 1989, by which the Commission recommended that the Sub-Commission should propose a new study with financial implications only when a study previously authorized is fully completed,

(a) decided, without a vote, to examine at its forty-second session ways and means of rationalizing proposals for studies and to consider the possibility of drawing up a medium-term programme that would ensure the participation of the greatest number of members of the Sub-Commission in this programme, and

1989/109. Expression of thanks to Bangladesh

At its 38th meeting on 31 August 1989, the Sub-Commission, bearing in mind the positive developments in Bangladesh, decided, without a vote, to thank the Government of Bangladesh for its co-operation and expressed its satisfaction with the progress made in respect of the treatment of its tribal populations.

[See chap. V.]

1989/110. Study of the issue of the privatization of prisons

At its 40th meeting, on 1 September 1989, the Sub-Commission decided, without a vote, and taking into account the recommendation of its Working Group on Detention, to request the Chairman of the Working Group during its forty-first session, Mr. Miguel Alfonso Martínez, to prepare, without financial implications, a working paper which would contain proposals on the best way for the Sub-Commission to study further the issue of privatization of prisons, and to submit the said working paper for consideration at its forty-second session under the item "The administration of justice and the human rights of detainees" of its agenda.

[See chap. X.]

1989/111. Report by Mr. Louis Joinet on administrative detention

At its 40th meeting on 1 September 1989, the Sub-Commission expressed its appreciation for the excellent "Report on the Practice of Administrative Detention" submitted by Mr. Louis Joinet (E/CN.4/Sub.2/1989/27), but regretted that, due to lack of time, it was unable to give proper study to the report and to the proposals to the Commission on Human Rights contained therein, and decided without a vote, to examine these proposals and his revised report as a matter of high priority, at its forty-second session.

[See chap. X.]

1989/112. Meeting of experts on indigenous self-government

At its 40th meeting, on 1 September 1989, the Sub-Commission, recalling its decision 1988/106 of 1 September 1988, in which it invited the Working Group on Indigenous Populations to consider the possible programme and agenda of the meeting of experts on indigenous self-government authorized by General Assembly resolution 42/47 of 30 November 1987, decided, without a vote, to endorse the recommendations made by the Working Group on Indigenous Populations in Annex I of its report on its seventh session (E/CN.4/Sub.2/1989/36), and recommended consideration of the following agenda:

"I. Scope and effective exercise of internal autonomy and self-government

A. Fields where autonomy would be effective as a means of strengthening the enjoyment of all human rights

B. Means of assuring popular participation and respect for human rights by autonomous indigenous institutions

II. Fiscal and administrative relations between indigenous governments and States

A. Models of apportioning responsibility, providing for ongoing consultations and resolving disputes

B. Alternative resource-sharing arrangements, and co-operation in the planning and management of development

III. Effective means of planning for, and implementing autonomy, including negotiated constitutional arrangements and involving both territorial and personal autonomy

IV. Recommendations for standard-setting".

[See chap. XIV.]

1989/113. Composition of the Working Groups of the Sub-Commission

At its 40th meeting, on 1 September 1989, the Sub-Commission approved the following composition of its working groups:

Regional Groups	Communications	Slavery	Indigenous Populations
Africa	Mr. Yimer Mr. Assouma */	Ms. Ksentini Mr. Ilkahanaf */	Ms. Attah Ms. Mbonu */
Asia	Mr. Tian Mr. Shao */	Mr. Sadi Mr. Bhandare */	Mr. Hatano Mr. Yokota */
Latin America	Mr. Sobarzo Mr. Alfonso Martínez */	Mr. Varela Quirós Mr. Segura */	Mr. Alfonso Martínez
Eastern Europe	Mr. Ramishvili	Mr. Diaconu	Mr. Türk
Western Europe and others	Mr. van Boven Mr. Treat */	Mr. Eide Ms. Palley */	Ms. Daes Mr. Treat */

[See chaps. IX., XIII. and XIV.]

*/ Alternate.

III. ORGANIZATION OF THE FORTY-FIRST SESSION

A. Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its forty-first session at the United Nations Office at Geneva from 7 August to 1 September 1989.

2. The session was opened by Mr. Murlidhar Chandrakant Bhandare, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fortieth session, who made a statement (1st meeting) on his activities following the fortieth session, including the presentation of the report of the Sub-Commission on its fortieth session to the Commission on Human Rights at its forty-fifth session, in 1989. The Under-Secretary-General for Human Rights also addressed the Sub-Commission (1st meeting).

B. Attendance

3. The session was attended by members and/or alternates of the Sub-Commission, by observers for Member States of the United Nations, by observers for non-member States, by the representatives of United Nations organs, specialized agencies and other intergovernmental organizations, national liberation movements and non-governmental organizations in consultative status with the Economic and Social Council. Details of attendance appear in annex I to the present report.

C. Election of officers

4. At its 1st meeting, on 7 August 1989, the Sub-Commission elected the following officers by acclamation:

Chairman:	Mr. Fisseha Yimer
Vice-Chairman:	Mr. Theodoor van Boven
	Mr. Miguel Alfonso Martínez
	Mr. Ion Diaconu
Rapporteur:	Mr. Ribot Hatano

D. Adoption of the Agenda

5. At its 1st meeting, the Sub-Commission had before it the provisional agenda (E/CN.4/Sub.2/1989/1) and annotations thereto prepared by the Secretary-General (E/CN.4/Sub.2/1989/1/Add.1). The agenda as adopted is reproduced below:

AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

4. Review of further developments in fields with which the Sub-Commission has been concerned.

5. Elimination of racial discrimination:

   (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

   (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa.

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: Report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

7. New international economic order and the promotion of human rights.

   (a) Role and equal participation of women in development

8. Communications concerning human rights: Report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

9. Administration of justice and the human rights of detainees:

   (a) Question of human rights of persons subjected to any form of detention and imprisonment;

   (b) Question of human rights and states of emergency;

   (c) Individualization of prosecution and penalties, and repercussion of violations of human rights on families.

10. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

11. Elimination of all forms of intolerance and of discrimination based on religion or belief.

12. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life.

13. Discrimination against indigenous peoples.

14. Slavery and slavery-like practices:

   (a) Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism;

   (b) Exploitation of child labour.

15. Promotion, protection and restoration of human rights at national, regional and international levels:

(a) Status of the individual and contemporary international law;

(b) Prevention of discrimination and protection of children: human rights and youth;

(c) Prevention of discrimination and protection of women;

(d) Protection of minorities.

16. Right of everyone to leave any country, including his own, and to return to his country.

17. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-second session of the Sub-Commission.

18. Adoption of the report on the forty-first session.

E. Organization of work

6. At its 2nd and 3rd meetings, on 8 August 1989, the Sub-Commission considered the organization of its work.

7. At its 2nd meeting, on 8 August 1989, it decided to set up a sessional Working Group on Detention and appointed Mr. Alfonso Martínez (Latin America), Mr. Joinet (Western Europe and others), Ms. Bautista (Asia), Ms. Attah (Africa) and Mr. Türk (Eastern Europe) as members of the group.

8. At the same meeting, upon the recommendation of its officers, the Sub-Commission decided to invite the following rapporteurs, who are not members of the Sub-Commission, to participate in the meetings at which their reports were to be considered, in accordance with the established practice:

(a) In connection with item 15 (b): Mr. Mazilu, Special Rapporteur on human rights and youth;

(b) In connection with item 16: Mr. Mubanga-Chipoya, Special Rapporteur on the right of everyone to leave any country, including his own, and to return to his country.

9. At the same meeting, Mr. Diaconu stated that the invitation extended to the Special Rapporteur in connection with item 15 (b) was not appropriate.

10. At its 3rd meeting, on 8 August 1989, bearing in mind the respective priority of the items and the availability of the relevant documentation, the Sub-Commission accepted the recommendation of its officers and agreed to consider the items on its agenda in the following order: 3, 4, 5 (b), 12, 10, 11, 16, 6, 5 (a), 7, 8, 9, 15, 14, 13, 17 and 18.

11. The Sub-Commission accepted the recommendation of its officers regarding the limitation of the frequency and duration of statements. Members of the Sub-Commission were limited to statements of 10 to 15 minutes; observers for

organizations and States to one statement of 10 minutes, on composite items for a second statement of 6 minutes. It was also agreed that, with regard to statements equivalent to the right of reply, a first statement was limited to 5 minutes and a second to 3 minutes. Special rapporteurs would be asked not to exceed 20 minutes for the introduction of their reports and 15 minutes for their concluding statements.

12. At the 2nd meeting, on 8 August 1989, the Chairman recommended, according to rule 69 (2) of the rules of procedure of the functional commissions of the Economic and Social Council and as explained in the Legal Advice by the Office of the Legal Council of 23 June 1989 requested by the Chairman of the fortieth session of the Sub-Commission, which was before the members of the Sub-Commission that a State which was the subject of a draft resolution before the Sub-Commission, should be allowed if it so desired, to participate in the Sub-Commission's deliberations on that draft resolution, prior to the beginning of the voting on that draft resolution. Such a practice only applied to that State and would not be applicable to non-governmental organizations. The Chairman would clearly indicate when the procedure of voting had begun.

13. In the discussion on this question statements were made by the following members: Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Joinet, Mr. Khalifa, Ms. Ksentini, Ms. Palley, Mr. Treat, Mr. Varela Quirós and Ms. Warzazi.

14. At the same meeting, the Sub-Commission accepted the recommendation of its Chairman.

F. Meetings, resolutions and documentation

15. The Sub-Commission held 40 meetings. The views expressed during the discussion on substantive items are summarized in the records of those meetings (E/CN.4/Sub.2/1989/SR.1-SR.40).

16. Written communications transmitted by Governments and non-governmental organizations for circulation to the Sub-Commission are mentioned in the chapter on the items to which the communications refer and listed up in Annex IV to this report.

17. The Sub-Commission adopted resolutions 1989/1 to 1989/47 and took 13 decisions. The texts of these resolutions and decisions appear in chapter II.

18. Draft resolutions and decisions for action or consideration by the Commission on Human Rights are set out in chapter I.

19. Statements of the administrative and programme budget implications of certain resolutions appear in annex II to the present report.

20. A list of studies under preparation drawn up in accordance with Commission on Human Rights resolution 1982/23 appears in annex III.

21. A list of documents submitted to the Sub-Commission for consideration appears in annex IV.

G. Other matters

22. At its 1st meeting, on 7 August 1989, the Sub-Commission observed a minute of silence in honour of Mr. Yo Kubota, staff member of the Centre for Human Rights, who died on mission for the United Nations in Namibia. At the same meeting, the Sub-Commission also observed a minute of silence in honour of the victims of apartheid, in accordance with its decision 1985/109.

23. Following a practice adopted at the thirty-ninth session of the Sub-Commission, the Secretariat gave information about members who had not yet presented themselves at the session.

24. At the 12th meeting, on 15 August 1989, the Chairman read out the following statement, prepared by the Bureau, on the present situation in and around Beirut:

> "Deeply shocked by the devastating effects of the fighting in and around Beirut, the Sub-Commission on Prevention of Discrimination and Protection of Minorities expresses its serious concern at the escalation of violence, the loss of life and the scale of the destruction affecting the civilian population caused by the deplorable events that have been and are taking place in and around Beirut. It deems that an immediate halt to the present military actions is essential in order to end the suffering of the civilian population, to help the wounded, to re-establish the medical and other services and to allow the displaced persons to return to their homes.
>
> The Sub-Commission launches an urgent appeal to all parties concerned for an immediate end to all military actions and for the greatest restraint so that peace be established in and around Beirut so as to ensure respect for the elementary rules of international humanitarian law and of human rights for the entire population."

25. This statement was approved by the Sub-Commission.

IV. REVIEW OF THE WORK OF THE SUB-COMMISSION

26. The Sub-Commission considered agenda item 3 at its 2nd, 3rd, 4th, 35th and 37th meetings, held on 8, 9, 30 and 31 August 1989.

27. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Working paper presented by Mr. van Boven and Mr. Eide at the fortieth session of the Sub-Commission (E/CN.4/Sub.2/1988/43);

Report of Mr. Bhandare, Chairman of the Sub-Commission at its fortieth session, prepared in accordance with paragraph 20 of Commission on Human Rights resolution 1988/43 (E/CN.4/1989/37);

Working paper presented by Mr. van Boven and Mr. Eide (E/CN.4/Sub.2/1989/47);

Working paper presented by Mr. Chernichenko and Mr. Treat (E/CN.4/Sub.2/1989/51).

28. At the 2nd meeting, on 8 August 1989. the Under-Secretary-General for Human Rights introduced the item.

29. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Assouma (4th), Mr. Alfonso Martínez (2nd, 4th), Ms. Attah (3rd), Mr. Bhandare (4th), Ms. Bautista (4th), Mr. van Boven (2nd, 4th), Mr. Chernichenko (3rd, 4th), Ms. Daes (4th), Mr. Despouy (4th), Mr. Diaconu (3rd, 4th), Mr. Eide (3rd, 4th), Mr. Joinet (3rd, 4th), Mr. Khalifa (3rd), Ms. Ksentini (3rd), Ms. Palley (3rd, 4th), Mr. Sobarzo Loaiza (4th), Mr. Tian (3rd), Mr. Treat (4th), Mr. Varela Quirós (4th), Ms. Warzazi (3rd, 4th).

30. A statement was also made by the observer for the United States of America (3rd).

31. The Sub-Commission also heard statements by the following non-governmental organizations: Four Directions Council (2nd) and the International Federation of Human Rights (3rd).

New international economic order and the promotion of human rights

32. At the 35th meeting, on 30 August 1989, Ms. Mbonu introduced draft resolution E/CN.4/Sub.2/1989/L.2, sponsored by Mr. Assouma, Ms. Attah, Ms. Bautista, Ms. Daes, and Mr. Diaconu. Mr. Bhandare, Mr. Joinet, Ms. Ksentini and Mr. Tian subsequently joined the sponsors.

33. Statements relating to the draft resolution were made, at the same meeting, by Mr. Alfonso Martínez, Mr. Bhandare, Mr. van Boven, Mr. Despouy, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Tian and Mr. Varela Quirós.

34. The draft resolution was adopted without a vote.

35. For the text of the resolution, as adopted, see Chapter II, Section A, resolution 1989/1.

Communications relating to violations of human rights

36. On 14 August 1989, a draft resolution (E/CN.4/Sub.2/1989/L.3) was submitted by Ms. Bautista, reading as follows:

"Communications relating to violations of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that in pursuance of Economic and Social Council resolutions 728 (XXVIII) of 30 July 1959, 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970, Commission on Human Rights resolution 8 (XXIII) of 16 March 1967, and Sub-Commission resolution 1 (XXIV) of 13 August 1971, its mandate is to study, investigate and evaluate reports of alleged violations of human rights,

Recalling further, that under Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolution 1 (XXIV), it must decide which communications relating to violations of human rights must be referred to the Commission on Human Rights because they appear to reveal a consistent pattern of gross violations of human rights,

Bearing in mind that, under the above resolutions, members of the Sub-Commission have the right to receive copies of communications which will be deliberated and voted upon in closed session as recommended by the Working Group on Communications,

Noting that the distribution of these copies is delayed and that members of the Sub-Commission are not given sufficient time to study these communications,

Considering that the members of the Sub-Commission must also determine whether the procedures and criteria established have been complied with or whether the communications are inadmissible under established procedures and resolutions duly approved,

Requests the Secretary-General to furnish members of the Sub-Commission with copies of the communications for deliberation within the first week of a session of the Sub-Commission."

37. At the 35th meeting, on 30 August 1989, Ms. Bautista introduced draft resolution E/CN.4/Sub.2/1989/L.3.

38. Statements relating to the draft resolution were made, at the same meeting, by Mr. Alfonso Martínez, Ms. Bautista, Mr. Bhandare, Mr. van Boven, Mr. Despouy, Mr. Diaconu, Mr. Joinet, Ms. Ksentini, Mr. Ramishvili and Ms. Warzazi.

39. A statement was also made by a representative of the Secretariat.

40. Following the consideration of this draft resolution, Ms. Bautista decided to withdraw her draft resolution and requested that the following comments be included in the report: "Concern has been expressed at the

Sub-Commission that communications under the confidential procedure do not reach the expert members within a period sufficient to enable them to study properly the communications on human violations and decide on the existence of a pattern of gross human rights violations in countries concerned."

Human rights monitoring mechanisms established within the United Nations framework

41. At the 35th meeting, on 30 August 1989, Mr. Eide introduced draft resolution E/CN.4/Sub.2/1989/L.7, submitted by Mr. Alfonso Martínez, Mr. van Boven, Mr. Chernichenko and Mr. Eide.

42. Mr. Ramishvili on behalf of the sponsors, orally revised operative paragraph 1 by inserting, after "protection of human rights", the words "and fundamental freedoms", and operative paragraph 2 by inserting, after the words "an international meeting" the words "of eminent experts".

43. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Despouy, Mr. Diaconu, Mr. Joinet, Ms. Ksentini, Ms. Mbonu, Mr. Ramishvili, Mr. Varela Quirós and Ms. Warzazi.

44. At the same meeting, the Sub-Commission deferred consideration of the draft resolution.

45. At the 37th meeting, on 31 August 1989, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1989/L.7, as amended by the sponsors.

46. At the same meeting, Mr. van Boven, on behalf of the sponsors, proposed amending the second operative paragraph by inserting, after "convening", the words "not later than 1991"; by deleting "within the framework of the programme of advisory service"; by inserting after "meeting", the words "of experts"; and by deleting, after "human rights" the rest of the paragraph.

47. Ms. Warzazi proposed amending the amendment of Mr. van Boven by adding, at the end of the second operative paragraph, as revised, the words "and to inform the Sub-Commission at its forty-second session of his plans on the holding of this meeting", and delete operative paragraphs 3 and 4.

48. Mr. Diaconu proposed amending the amendment proposed by Ms. Warzazi by replacing the words "of his plans on the holding of this meeting" by the phrase "under the item 'Review of further developments in fields with which the Sub-Commission has been concerned', on his plans with regard to the organization of the meeting, in particular relating to participation and background documentation on the functioning of international monitoring mechanisms in the field of human rights".

49. The amendment made by Ms. Warzazi, as further amended by Mr. Diaconu was accepted by Mr. van Boven.

50. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1989/L.78) of draft resolution E/CN.4/Sub.2/1989/L.7.

51. The draft resolution, as amended, was adopted by 15 votes to 2, with 3 abstentions.

52. A statement in explanation of vote after the vote was made by Ms. Ksentini.

53. For the text of the resolution, as adopted, see Chapter II, Section A, resolution 1989/11.

List of studies already undertaken

54. At the 35th meeting, on 30 August 1989, Ms. Ksentini introduced draft decision E/CN.4/Sub.2/1989/L.28, submitted by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Ms. Mbonu, Mr. Varela Quirós and Ms. Warzazi.

55. Mr. Sadi proposed amending paragraph (a) by adding, at its end, "that would ensure the participation of the greatest number of members of the Sub-Commission" and paragraph (b) by adding at its end "and the names of those who have prepared them".

56. The draft decision, as amended, was adopted without a vote.

57. For the text of the decision, as adopted, see Chapter II, Section B, decision 1989/103.

Establishment of a Sessional Working Group

58. At the 35th meeting, on 30 August 1989, Mr. van Boven introduced draft decision E/CN.4/Sub.2/1989/L.29, sponsored by Mr. Alfonso Martínez, Mr. Bhandare, Mr. van Boven, Mr. Chernichenko, Mr. Eide and Mr. Türk.

59. Ms. Ksentini proposed amending the draft decision by inserting, after "establish a", the word "sessional"; replacing "selected from" by "designated by"; and inserting after "groups" the words "and open to the participation of other members of the Sub-Commission".

60. Statements relating to the draft decision were made by Mr. Alfonso Martínez, Mr. Bhandare, Mr. Diaconu, Mr. Joinet, Ms. Mbonu, Mr. Sadi and Ms. Warzazi.

61. The draft decision, as amended, was adopted without a vote.

62. For the text of the decision, as adopted, see Chapter II, Section B, decision 1989/104.

Working Group on Situations

63. At the 37th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.72, submitted by Mr. Chernichenko. The draft resolution, which was subsequently withdrawn by the sponsor, read as follows:

"Working Group on Situations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities

Recalling that the Commission on Human Rights has annually set up a working group (Working Group on Situations), with the approval of the Economic and Social Council, to assist it in the examination of the material relating to the particular situations referred to the Commission under Council resolution 1503 (XLVIII),

Recognizing the useful work performed by the Working Group on Situations,

Considering that the role of the Working Group on Situations has become a permanent feature in the implementation of the procedure governed by Council resolution 1503 (XLVIII),

Recommends the following draft resolution to the Commission on Human Rights for adoption:

The Commission on Human Rights,

1. Requests the Economic and Social Council to authorize the Commission on Human Rights, on a permanent basis, to set up a working group of five of its members, to be referred to as the Working Group on Situations, due account being taken of equitable geographical distribution, to meet for one week prior to each session of the Commission, to assist the Commission by examining the material referred to the Commission under Council resolution 1503 (XLVIII), including such material as may be pending before the Commission, and making recommendations to the Commission on the course of action to take thereon;

2. Suggests the following draft decision for adoption by the Economic and Social Council:

> "The Economic and Social Council, taking note of Commission on Human Rights resolution 1990/... and Sub-Commission resolution 1989/..., authorizes the Commission on Human Rights to establish, on a permanent basis, a working group of five of its members, to be known as the Working Group on Situations, due account being taken of equitable geographical distribution, to meet for one week prior to each session of the Commission, to assist the Commission by examining the material referred to the Commission under Council resolution 1503 (XLVIII), including such material as may be pending before the Commission, and making recommendations to the Commission on the course of action to take thereon."

V. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

64. The Sub-Commission considered agenda item 4 at its 4th to 8th, 31st and 38th meetings, held on 9 to 11, 28 and 31 August 1989.

65. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General on review of the further developments in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/1989/2);

Report of the Secretary-General prepared in accordance with Sub-Commission resolution 1989/42 on the movement and dumping of toxic and dangerous products and wastes (E/CN.4/Sub.2/1989/3);

Report of the Secretary-General prepared in accordance with Commission resolution 1988/27 on the respect for the right to life: elimination of chemical weapons (E/CN.4/Sub.2/1989/4);

Concise note by Mr. Varela Quirós pursuant to Sub-Commission decision 1988/111 concerning proposals for a possible study on AIDS and human rights (E/CN.4/Sub.2/1989/5);

Memorandum submitted by the International Labour Office (E/CN.4/Sub.2/1989/6);

Report submitted by the United Nations Educational, Scientific and Cultural Organization (E/CN.4/Sub.2/1989/7);

Working paper prepared by Mr. Türk in accordance with decision 1988/110 of the Sub-Commission concerning the right to freedom of opinion and expression (E/CN.4/Sub.2/1989/26);

Preliminary report by Ms. Warzazi pursuant to Sub-Commission resolution 1988/34 on recent developments with regard to traditional practices affecting the health of women and children (E/CN.4/Sub.2/1989/42 and Add.1);

Report of the Working Group of the Commission on Human Rights on a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (E/CN.4/1989/45).

66. At the 4th meeting on 9 August 1989, the Under-Secretary-General for Human Rights introduced the item.

67. At the 5th meeting, on 9 August 1989, Mr. Türk presented his working paper (E/CN.4/Sub.2/1989/26).

68. At the same meeting, Ms. Warzazi introduced her preliminary report (E/CN.4/Sub.2/1989/42 and Add.1).

69. In the general debate on the item, statements were made by the following members: Mr. Alfonso Martínez (4th, 8th, 31st), Ms. Attah (7th), Ms. Bautista (7th), Mr. Bhandare (6th), Mr. van Boven (7th), Mr. Carrey (31st), Mr. Chernichenko (7th, 31st), Ms. Daes (6th), Mr. Despouy (7th, 31st), Mr. Diaconu (6th, 7th, 31st), Mr. Eide (6th, 8th, 31st), Mr. Hatano (7th), Mr. Joinet (5th), Mr. Khalifa (6th), Ms. Ksentini (5th, 7th, 31st), Ms. Palley (5th, 31st), Mr. Ramishvili (31st), Mr. Sadi (31st), Mr. Türk (8th), Mr. Varela Quirós (8th, 31st), and Ms. Warzazi (5th, 6th, 8th, 31st).

70. A representative of the Secretariat made a statement (33rd).

71. Statements were also made by the observer for Bangladesh (5th), Cuba (31st), Egypt (5th) and Lebanon (5th).

72. The Sub-Commission also heard statements by the observer for the following non-governmental organizations: International Association Against Torture (31st), International Federation of Human Rights (8th), International Commission of Jurists (5th), International Movement For Fraternal Union Among Races and Peoples (31st), Minority Rights Group (5th), War Amputations of Canada (8th) and World Union for Progressive Judaism (8th).

73. Statements equivalent to right of reply were made by the observer for Cuba (31st), Iraq (8th), Libyan Arab Jamahiriya (8th) and Syrian Arab Republic (8th).

Discrimination against HIV-infected people or people with AIDS

74. At the 37th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.4 submitted by Mr. Alfonso Martínez, Ms. Bautista, Ms. Daes, Mr. Diaconu, Mr. Fix Zamudio, Mr. Suescún, Mr. Türk and Ms. Warzazi.

75. Mr. Varela Quirós proposed amending the last preambular paragraph of the draft resolution by deleting the part of that paragraph following the words "Commission on Human Rights".

76. The amendment was accepted by the sponsors.

77. Mr. Sadi proposed amending operative paragraph 1 of the draft resolution recommended to the Commission on Human Rights for adoption, by replacing the phrase "of problems of discrimination against HIV-infected people or people with AIDS" by "medically unwarranted discrimination".

78. Ms. Warzazi proposed amending the said part by "of problems and causes of discrimination against HIV-infected people or people with AIDS".

79. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mr. Joinet, Ms. Ksentini, Mr. Sadi and Ms. Warzazi.

80. The Sub-Commission decided at the same meeting, to defer consideration of this draft resolution.

81. At the 38th meeting, on 31 August 1989, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1989/L.4. The amendments made by Mr. Varela Quirós and Ms. Warzazi, were accepted by the sponsors.

82. Mr. Sadi subsequently withdrew his amendment.

83. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1989/L.16/Rev.1) of draft resolution E/CN.4/Sub.2/1989/L.4.

84. The draft resolution, as amended, was adopted without a vote.

85. For the text of the resolution as adopted, see Chapter II, section A, resolution 1989/17.

Principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder

86. At the 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft decision E/CN.4/Sub.2/1989/L.6 submitted by Ms. Daes and Ms. Palley.

87. The draft decision was adopted without a vote.

88. For the text of the decision, as adopted, see chapter II, section B, decision 1989/107.

Movement and dumping of toxic and dangerous products and wastes

89. At the 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.8 submitted by Mr. Assouma and Ms. Mbonu.

90. Mr. Treat proposed to add a new preambular paragraph at the end of this preamble which read as follows:

> "Bearing in mind the lead role of the United Nations Environment Programme within the United Nations system in all environmental matters."

The amendment was accepted by the sponsors.

91. The draft resolution, as amended, was adopted without a vote.

92. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/12.

Compensation for victims of gross violations of human rights

93. At the 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.9/Rev.1 submitted by Mr. Chernichenko, Ms. Daes, Mr. Hatano, Mr. Khalifa and Mr. Treat. Mr. Ilkahanaf subsequently joined the sponsors of the draft resolution.

94. On behalf of the sponsors, Ms. Daes proposed to add after the second preambular paragraph a new paragraph which read as follows: "Bearing in mind the co-operation in this area between the United Nations Centre for Human Rights and the United Nations Programme on Crime Prevention and Criminal Justice."

95. Ms. Ksentini proposed amending the third preambular paragraph by adding at the end of it "and any other relevant provisions of other international instruments", and the second preambular paragraph of the draft resolution recommended for adoption by the Commission on Human Rights, by replacing "and" bef[illegible] "communities" by a comma and adding "and people".

96. The amendments were accepted by the sponsors.

97. The draft resolution, as amended, was adopted without a vote.

98. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/13.

Right to freedom of opinion and expression

99. At the 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.12 submitted by Mr. Assouma, Mr. Al-Khasawneh, Mr. Alfonso Martínez, Mr. Bhandare, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Fix Zamudio, Mr. Hatano, Mr. Ilkahanaf, Mr. Khalifa, Ms. Ksentini, Ms. Palley, Mr. Suescún, Mr. Treat and Mr. Varela Quirós.

100. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1989/L.18) of the draft resolution E/CN.4/Sub.2/1989/L.12.

101. The draft resolution was adopted without a vote.

102. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/14.

Assistance to Paraguay in the field of human rights

103. At the 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.15 submitted by Ms. Bautista, Mr. Despouy, Mr. Fix Zamudio, Mr. Joinet, Mr. Varela Quirós, Mr. Suescún and Mr. Türk.

104. The draft resolution was adopted without a vote.

105. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/15.

Human rights and the environment

106. At the 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft decision E/CN.4/Sub.2/1989/L.23 submitted by Mr. Alfonso Martínez, Mr. Al-Khasawneh, Ms. Bautista, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Mr. Suescún and Ms. Warzazi. Ms. Daes subsequently joined the sponsors.

107. The draft decision was adopted without a vote.

108. For the text of the decision, as adopted, see Chapter II, section B, decision 1989/108.

Traditional practices affecting the health of women and children

109. At the 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.25 submitted by Mr. van Boven, Ms. Daes, Mr. Hatano, Ms. Ksentini, and Mr. Varela Quirós. Mr. Alfonso Martínez, Mr. Bhandare and Mr. Despouy subsequently joined the sponsors.

110. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1989/L.66) of draft resolution E/CN.4/Sub.2/1989/L.25.

111. The draft resolution was adopted without a vote.

112. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/16.

Expression of thanks to Bangladesh

113. At the 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft decision E/CN.4/Sub.2/1989/L.51 submitted by Mr. Assouma, Ms. Bautista, Mr. Despouy, Mr. Fix Zamudio, Ms. Mbonu, Mr. Sadi, Mr. Suescún, Mr. Treat, Mr. Türk and Ms. Warzazi. Mr. Alfonso Martínez, Ms. Daes, Mr. Ilkahanaf, Ms. Ksentini, Ms. Palley and Mr. Varela Quirós subsequently joined the sponsors.

114. The draft decision was orally amended by the sponsors and read as follows:

> "At its .... meeting, on .. August 1989, the Sub-Commission, bearing in mind the positive developments in Bangladesh, decides to thank the Government of Bangladesh for its co-operation and expresses its satisfaction with the progress made in respect of the treatment of its tribal populations."

115. Statements relating to the draft decision were made by Ms. Daes, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Ilkahanaf and Ms. Palley.

116. The draft decision as amended, was adopted without a vote.

117. For the text of the decision, as adopted, see Chapter II, section B, decision 1989/109.

Respect for the right to life: elimination of chemical weapons

118. At the 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.52 submitted by Mr. Alfonso Martínez.

119. At the same meeting, Ms. Palley moved, under rule 65 (1) of the rules of procedure of the functional commissions of the Economic and Social Council, that a first vote should be taken on draft resolution E/CN.4/Sub.2/1989/L.54 submitted by Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Eide, Mr. Fix Zamudio, Mr. Hatano, Mr. Ilkahanaf, Ms. Palley, Mr. Türk and Mr. Varela Quirós.

120. Statements relating to Ms. Palley's motion were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Varela Quirós and Ms. Warzazi.

121. At the same meeting, Ms. Palley withdrew her motion and submitted the following amendments to draft resolution E/CN.4/Sub.2/1989/L.52:

(a) Insert an operative paragraph 3 reading as follows:

"3. Requests the Secretary-General to transmit his report E/CN.4/Sub.2/1989/4 to the Commission on Human Rights for consideration together with any further information submitted by Governments and non-governmental organizations in consultative status".

(b) Insert an operative paragraph 4 reading as follows:

"4. Decides to give further consideration to this matter at its forty-second and future sessions under item 4 of its agenda entitled "Review of further developments with which the Sub-Commission has been concerned."

(c) Insert the whole preamble of draft resolution E/CN.4/Sub.2/1989/L.54 into the preamble of draft resolution E/CN.4/Sub.2/1989/L.52.

122. The amendments were not accepted by the sponsor.

123. At the same meeting, Mr. Eide reintroduced the motion made earlier by Ms. Palley, under rule 65 (1) of the rules of procedure of the functional commission of the Economic and Social Council to firstly vote on draft resolution E/CN.4/Sub.2/1989/L.54.

124. The motion was rejected by 10 votes to 7, with 2 abstentions.

125. Upon the recommendation of Mr. Despouy, the Sub-Commission deferred consideration of the draft resolutions E/CN.4/Sub.2/1989/L.52 and L.54.

126. At its 40th meeting, on 1 September 1989, Ms. Palley on behalf of the sponsors, introduced a revised text of draft resolution E/CN.4/Sub.2/1989/L.54 which read as follows:

"Respect for the right to life: elimination of chemical weapons

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto,

Recalling General Assembly resolutions 42/99 of 7 December 1987 and 43/11 of 8 December 1988, reaffirming that all people have an inherent right to life,

Taking note of Security Council resolutions 612 (1988) of 9 May 1988 and 620 (1988) of 26 August 1988, on the need to consider appropriate and effective measures for eliminating the use of chemical weapons,

Mindful that the General Assembly, by its resolution 43/74 A of 7 December 1988, called upon all States to be guided by the need to curb the spread of chemical weapons pending the conclusion of a convention on the complete, effective and verifiable prohibition of the development, production, stockpiling and use of all chemical weapons and on their destruction, and requested the Secretary-General to investigate reports of the use of such weapons,

Recalling its resolution 1988/27 of 1 September 1988,

Concerned, in particular, by the reports of alleged use of such weapons against civilian populations, resulting in death, misery, and disability,

Concerned, further by the long-term effects of the use of such weapons upon human health and the environment,

Convinced that the use of such weapons is also incompatible with the prohibition against any form of torture or cruel, inhuman or degrading treatment or punishment,

Believing also that continued efforts must be undertaken to sensitize public opinion to the massive, inhuman, and indiscriminate effects of the use of chemical weapons, and of the need for their complete elimination,

Having considered the report by the Secretary-General on this subject (E/CN.4/Sub.2/1989/4),

1. Takes note of the report of the Secretary-General on this issue,

2. Calls upon all States to strictly abide by their international obligations in this field;

3. Decides to give further consideration to this matter, at its forty-second session, on the basis of any further information which may be contained in reports by the Secretary-General to the United Nations bodies, or submitted by Governments or non-governmental organizations in consultative status."

127. The draft resolution E/CN.4/Sub.2/1989/L.52 was withdrawn by the sponsor.

128. The draft resolution E/CN.4/Sub.2/1989/L.54, as amended, was adopted without a vote.

129. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/39.

VI. ELIMINATION OF RACIAL DISCRIMINATION

A. Measures to combat racism and racial discrimination and the role of the Sub-Commission

130. The Sub-Commission considered sub-item (a) of agenda item 5 at its 21st, 24th, 25th and 38th meetings, held on 21, 23 and 31 August 1989.

131. In connection with the consideration of this sub-item, the Sub-Commission had before it the following documents:

Study by Mr. Eide on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination (E/CN.4/Sub.2/1989/8 and Add.1);

Note by the Secretary-General on the Global Consultations on Racism and Racial Discrimination (E/1989/48).

132. At the 21st meeting, on 21 August 1989, the Under-Secretary-General for Human Rights introduced sub-item (a).

133. At the 24th meeting, on 23 August 1989, Mr. Eide introduced his study.

134. In the general debate on the sub-item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (25th), Ms. Bautista (24th), Mr. Bhandare (24th), Mr. van Boven (24th and 25th), Mr. Chernichenko (25th), Ms. Daes (25th), Mr. Diaconu, (24th), Ms. Mbonu (24th), Mr. Sadi (24th and 25th), Mr. Tian (25th), Mr. Türk (24th) and Ms. Warzazi (24th and 25th).

135. Statements were made by the following non-governmental organizations: Baha'i International Community (24th), Four Directions Council (25th), International Federation of Human Rights (25th), International Movement for Fraternal Union Among Races and Peoples (24th), International Organization for the Elimination of All Forms of Racial Discrimination (25th), Liberation (25th), Minority Rights Group (25th) and World Union for Progressive Judaism (24th).

136. Statements equivalent to right of reply were made by the observer for China (25th), Mauritania (25th) and Senegal (25th). Statements equivalent to a second right of reply were made by the observer for Mauritania (25th) and Senegal (25th).

137. At the 25th meeting, on 23 August 1989, the Special Rapporteur, Mr. Eide, presented his concluding remarks.

138. At the 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.41 submitted by Mr. Alfonso Martínez, Mr. Assouma, Mr. Bhandare, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Diaconu, Mr. Fix Zamudio, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalifa, Ms. Ksentini, Ms. Mbonu, Ms. Palley, Mr. Sadi, Mr. Suescún, Mr. Tian, Mr. Treat, Mr. Türk, Mr. Varela Quirós and Ms. Warzazi.

139. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1989/L.55) of draft resolution E/CN.4/Sub.2/1989/L.41.

140. The draft resolution was adopted without a vote.

141. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/19.

B. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

142. The Sub-Commission considered agenda item 5 (b) at its 5th, 6th, 8th to 11th and 38th meetings, on 9 to 11, 14 and 31 August 1989.

143. In connection with the consideration of this sub-item, the Sub-Commission had before it the updated report (E/CN.4/Sub.2/1989/9 and Add.1) prepared by Mr. Khalifa, Special Rapporteur.

144. At the 5th meeting, on 9 August 1989, the Under-Secretary-General for Human Rights introduced sub-item 5 (b).

145. At the 7th meeting, on 10 August 1989, the Special Rapporteur introduced his report.

146. In the general debate on the sub-item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (10th), Ms. Attah (9th), Ms. Bautista (10th), Mr. Bhandare (10th), Mr. van Boven (9th), Mr. Chernichenko (9th), Ms. Daes (10th), Mr. Diaconu (10th), Mr. Eide (9th), Mr. Hatano (9th), Mr. Ilkahanaf (10th), Mr. Joinet (9th), Ms. Ksentini (10th), Ms. Palley (9th), Mr. Tian (8th) and Mr. Treat (8th).

147. Statements were made by the observer for Bangladesh (8th), Egypt (9th), Iran (10th) and the Syrian Arab Republic (10th).

148. The Sub-Commission also heard a statement by the observer for the African National Congress (10th).

149. Statements were made by the following non-governmental organizations: International Organization for the Elimination of All Forms of Racial Discrimination (10th), International Movement for Fraternal Union Among Races and Peoples (10th) and World Union for Progressive Judaism (10th).

150. At the 10th meeting, on 14 August 1989, the Special Rapporteur presented his final observations.

151. At the 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.5 submitted by Mr. Alfonso Martínez, Mr. Al-Khasawneh, Mr. Assouma, Ms. Bautista, Mr. Bhandare, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Fix Zamudio, Mr. Hatano, Mr. Joinet, Ms. Ksentini, Mr. Turunji, Mr. Varela Quirós and Ms. Warzazi.

152. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1989/L.17) of draft resolution E/CN.4/Sub.2/1989/L.5.

153. At the same meeting, Ms. Mbonu raised questions regarding the estimated programme budget implications of draft resolution E/CN.4/Sub.2/1989/L.41 which were responded to by the Deputy Director of the Centre for Human Rights.

154. At the same meeting, the draft resolution was adopted without a vote.

155. For the text of the resolution as adopted, see Chapter II, section A, resolution 1989/18.

VII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

156. The Sub-Commission considered agenda item 6 at its 15th to 23rd and 35th to 37th meetings, held from 16 to 22 and on 30 and 31 August 1989.

157. The Sub-Commission had before it the following documents in connection with the consideration of this item:

Note by the Secretary-General pursuant to Sub-Commission resolution 1988/10 concerning the situation in the Palestinian and Arab territories occupied by Israel (E/CN.4/Sub.2/1989/11);

Note by the Secretary-General pursuant to Sub-Commission resolution 1988/12 concerning the situation of human rights in Haiti (E/CN.4/Sub.2/1989/12);

Note by the Secretary-General pursuant to Sub-Commission resolution 1988/13 concerning the situation of human rights in El Salvador (E/CN.4/Sub.2/1989/13);

Note by the Secretary-General pursuant to Sub-Commission resolution 1988/15 concerning the situation of human rights in Albania (E/CN.4/Sub.2/1989/14 and Add.1);

Note by the Secretary-General pursuant to Sub-Commission resolution 1989/16 concerning the situation of human rights in Chile (E/CN.4/Sub.2/1989/15);

Working paper submitted by Mr. Chernichenko (E/CN.4/Sub.2/1989/55);

Letter dated 6 July 1989 from the Permanent Representative of Turkey addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1989/46);

Letter dated 27 July 1989 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1989/48);

Letter dated 7 August 1989 from the Permanent Representative of Bulgaria addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1989/52);

Letter dated 31 August 1989 from the Permanent Representative of the People's Republic of China addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1989/56);

Written statement submitted by Pax Christi, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1989/NGO/2);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1989/NGO/3);

Report on the question of human rights in Chile submitted by Mr. Volio Jiménez, Special Rapporteur, (E/CN.4/1989/7);

Violations of human rights in South Africa: Report of the Ad Hoc Working Group of Experts (E/CN.4/1989/8);

Final report to the Commission on Human Rights on the situation of human rights in El Salvador, submitted by Mr. Pastor Ridruejo, (E/CN.4/1989/23);

Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr. Felix Ermacora, (E/CN.4/1989/24);

Report on summary or arbitrary executions by the Special Rapporteur, Mr. S. Amos Wako, (E/CN.4/1989/25);

Report on the human rights situation in the Islamic Republic of Iran by the Special Representative of the Commission on Human Rights, Mr. Reynaldo Galindo Pohl, (E/CN.4/1989/26);

Note by the Secretariat on human rights and mass exoduses (E/CN.4/1989/27).

158. At the 15th meeting, on 16 August 1989, the Under-Secretary-General for Human Rights introduced the item.

159. In the general debate on the item, statements were made by the following members: Mr. Alfonso Martínez (16th, 19th, 20th, 22nd and 23rd meetings), Mr. Assouma (16th), Ms. Attah (18th), Ms. Bautista (17th, 19th and 23rd), Mr. van Boven (16th, 19th and 20th), Mr. Chernichenko (20th and 23rd), Ms. Daes (20th and 22nd), Mr. Despouy (19th), Mr. Diaconu (19th, 20th, 21st and 22nd), Mr. Eide (17th, 19th and 22nd), Mr. Ilkahanaf (19th and 20th), Mr. Joinet (16th, 17th, 19th, 20th, 22nd and 23rd), Mr. Khalifa (16th and 20th), Ms. Ksentini (19th), Ms. Palley (15th, 19th and 20th), Mr. Sadi (20th), Mr. Treat (16th and 19th), Mr. Türk (23rd), Mr. Varela Quirós (15th, 21st and 23rd) and Ms. Warzazi (16th, 18th, 19th, 20th and 22nd).

160. Statements were also made by the observers for the following States: Algeria (19th), Angola (23rd), Australia (19th and 21st), Bulgaria (23rd), Burundi (21st), Canada (23rd), China (19th), Colombia (23rd), Costa Rica (22nd), Cyprus (23rd), Egypt (21st), El Salvador (21st), Ethiopia (22nd), India (23rd), Iran (Islamic Republic of) (21st), Iraq (21st), Israel (22nd), Myanmar (21st), Portugal (23rd), Sri Lanka (22nd), Syrian Arab Republic (19th), Turkey (23rd) and United States of America (23rd).

161. Statements were also made by the observers for Palestine (21st) and the Pan African Congress of Azania (15th).

162. The Sub-Commission heard statements by the following non-governmental organizations in consultative status: Amnesty International (15th),

Anti-Slavery Society (17th), Arab Organization for Human Rights (16th), Bahá'í International Community (16th), Disabled Peoples International (18th), Four Directions Council (17th), Friends of the Earth (18th), Human Rights Advocates (18th), Indigenous World Association (18th), International Association Against Torture (21st), International Association for the Defence of Religious Liberty (17th), International Association of Educators for World Peace (17th), International Bar Association (18th), International Centre of Sociological, Penal and Penitentiary Research and Studies (18th), International Commission of Health Professionals for Health and Human Rights (21st), International Commission of Jurists (17th), International Confederation of Free Trade Unions (16th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (21st), International Federation of Human Rights (15th), International Federation of Rural Adult Catholic Movements (18th), International Federation Terre des Hommes (18th), International Human Rights Law Group (16th), International Indian Treaty Council (18th), International League for Human Rights (16th), International League for the Rights and Liberation of Peoples (18th), International Movement for Fraternal Union Among Races and Peoples (15th), International Organization for the Elimination of All Forms of Racial Discrimination (17th), Latin American Federation of Associations of Relatives of Disappeared Detainees (21st), Liberation (18th), Minority Rights Group (17th), Pax Christi (16th), Pax Romana (18th), Procedural Aspects of International Law Institute (16th), Service, Justice and Peace in Latin America (18th), Union of Arab Jurists (19th), World Confederation of Labour (19th), World Federation of Trade Unions (18th), World Student Christian Federation (18th), World Union for Progressive Judaism (18th) and World University Service (18th).

163. Statements equivalent to right of reply were made by the observers for Bulgaria (23rd), China (15th, 17th and 21st), Cuba (17th and 23rd), Ecuador (19th), Ethiopia (22nd), Guatemala (22nd), Honduras (21st), Indonesia (23rd), Iran (Islamic Republic of) (21st), Iraq (21st), Israel (16th and 22nd), Japan (17th), Mauritania (23rd), Philippines (21st), Romania (21st), Sri Lanka (22nd), Syrian Arab Republic (22nd) and Turkey (23rd).

164. At the 19th and 20th meetings, on 18 and 21 August 1989, the Sub-Commission held a debate on the interpretation of rule 69 of the rules of procedure of the functional commissions of the Economic and Social Council relating to the right of observer States to refer under the present item to a human rights situation in another State, taking also into account Sub-Commission decision 1982/12.

165. The following members took part in the debate: Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalifa, Ms. Ksentini, Ms. Palley, Mr. Sadi, Mr. Treat and Ms. Warzazi.

166. At the 20th meeting, a statement was made by the Senior Legal Officer of the United Nations Office at Geneva, on behalf of the Office of the Legal Council.

Provisional suspension of rule 59 to allow for voting by secret ballot

167. At the same meeting, the Sub-Commission took note of the legal opinion.

168. At the 35th meeting on 30 August 1989, a motion was submitted by Mr. Joinet, under rule 78 of the rules of procedure of the functional commissions of the Economic and Social Council, requesting 24 hours in advance, that article 59 of the same rules be provisionally suspended so that the voting could be conducted by secret ballot, when any member so request, concerning all decisions relating to the draft resolutions under item 6 of the agenda of the present session.

169. Statements relating to that motion were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Joinet, Mr. Sadi, Mr. Suescún and Ms. Warzazi.

170. At the same meeting, the Sub-Commission decided to defer consideration on that motion, in order to respect the 24 hours rule.

171. At the 36th meeting, on 31 August 1989, the Sub-Commission resumed consideration of Mr. Joinet's motion.

172. Statements relating to this motion were made by Mr. Alfonso Martínez, Mr. Bhandare, Mr. Chernichenko, Mr. Despouy, Mr. Joinet, Ms. Ksentini, Mr. Suescún, Mr. Sadi, Mr. Tian, Mr. Treat, Mr. Varela Quirós and Ms. Warzazi.

173. At the same meeting, Ms. Ksentini called, under rule 54 of the rules of procedure, for a decision on the competence of the Sub-Commission to take a decision on the motion submitted by Mr. Joinet.

174. Statements were made on this motion by Mr. Alfonso Martínez, Mr. Despouy, Mr. Eide, Mr. Joinet, Mr. Treat and Ms. Warzazi.

175. At the request of Ms. Ksentini, a vote was taken on the motion by roll-call, which was rejected by 17 votes to 5, with 1 abstention. The voting was as follows:

In favour: Mr. Alfonso Martínez, Mr. Bhandare, Mr. Diaconu, Ms. Ksentini and Mr. Tian.

Against: Mr. Assouma, Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Fix Zamudio, Mr. Hatano, Mr. Joinet, Ms. Mbonu, Ms. Palley, Mr. Sadi, Mr. Suescún, Mr. Treat, Mr. Türk, Mr. Varela Quirós and Ms. Warzazi

Abstaining: Mr. Ilkahanaf.

176. Statements in explanation of vote after the vote were made by Mr. Alfonso Martínez, Mr. Bhandare, Mr. Ilkahanaf and Ms. Mbonu.

177. At the same meeting, Mr. Bhandare, referring to rule 65 (2) of the rules of procedure, moved that the Sub-Commission should take no action on the motion submitted by Mr. Joinet.

178. At the request of Mr. Bhandare, a vote was taken on the motion by roll-call, which was rejected by 16 votes to 6, with 3 abstentions. The voting was as follows:

In favour: Mr. Alfonso Martínez, Mr. Bhandare, Mr. Chernichenko, Mr. Diaconu, Ms. Ksentini and Mr. Tian.

Against: Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Fix Zamudio, Mr. Hatano, Mr. Joinet, Ms. Palley, Mr. Sadi, Mr. Suescún, Mr. Treat, Mr. Türk, Mr. Varela Quirós and Ms. Warzazi.

Abstaining: Mr. Assouma, Mr. Ilkahanaf and Ms. Mbonu.

179. A statement in explanation of vote after the vote was made by Ms. Ksentini.

180. At the request of Mr. Alfonso Martínez a vote was taken on Mr. Joinet's motion by roll-call. The motion was adopted by 14 votes to 6, with 3 abstentions. The voting was as follows:

In favour: Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Joinet, Ms. Palley, Mr. Suescún, Mr. Fix Zamudio, Mr. Treat, Mr. Türk, Mr. Varela Quirós and Ms. Warzazi.

Against: Mr. Alfonso Martínez, Mr. Bhandare, Mr. Chernichenko, Mr. Diaconu, Mr. Ilkahanaf and Mr. Tian.

Abstaining: Mr. Assouma, Ms. Mbonu and Mr. Sadi.

181. Statements in explanation of vote after the vote were made by Mr. Alfonso Martínez, Ms. Bautista, Ms. Daes, Mr. Diaconu, Mr. Hatano, Ms. Ksentini and Mr. Sadi.

182. For the text of the decision, as adopted, see Chapter II, section B, decision 1989/105.

Protection of journalists

183. At the 36th meeting, on 31 August 1989, Mr. Sadi introduced draft resolution E/CN.4/Sub.2/1989/L.24. Ms. Bautista, Mr. Bhandare, Mr. Carey, Ms. Daes, Mr. Ilkahanaf, Ms. Palley, Mr. Varela Quirós and Ms. Warzazi subsequently joined the sponsors.

184. Mr. Carey proposed amending operative paragraph 4, by replacing "Recommends that a special study be undertaken on this critical subject in order to examine" by "Requests Mr. Sadi to prepare, without financial implications, for the use of the Sub-Commission at its forty-second session a report on the feasibility of a study on ways and means to extend additional protection and assistance to journalists and mass media personnel with objectives while they carry out their duties to expose gross human rights violations and fairness."

185. Ms. Daes proposed amending operative paragraph 1, by adding after the word "who", the words "promote human rights and"; amending operative paragraph 2 by inserting after the word "violations", the words "and to inform public opinion"; and, after "neutrality" to add the word "fairness". Relating to Mr. Carey's amendment, she further proposed to delete "without financial implications".

186. Mr. Diaconu proposed amending operative paragraph 3, by adding between "protection" and "and" the words "of their human rights".

187. Mr. Alfonso Martínez proposed deleting operative paragraph 4, as amended by Mr. Carey.

188. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Ms. Bautista, Mr. Bhandare, Mr. Carey, Ms. Daes, Mr. Diaconu, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Ms. Mbonu, Ms. Palley, Mr. Türk and Ms. Warzazi.

189. A vote was taken on the amendment proposed by Mr. Alfonso Martínez to delete operative paragraph 4. The amendment was rejected by secret ballot by 13 to 9, with 1 abstention.

190. A vote was taken on the amendment proposed by Ms. Daes to delete "without financial implications". The amendment was rejected by secret ballot by 10 to 10, with 3 abstentions.

191. At the request of Mr. Alfonso Martínez a vote was taken on draft resolution E/CN.4/Sub.2/1989/L.24 as amended. The draft resolution as amended was adopted by secret ballot by 15 votes to 6, with 2 abstentions.

192. For the text of the resolution as adopted, see Chapter II, section A, resolution 1989/2.

Situation in South Africa

193. At the 36th meeting, on 31 August 1989, Ms. Mbonu introduced draft resolution E/CN.4/Sub.2/1989/L.26, submitted by Mr. Alfonso Martínez, Mr. Assouma, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Fix Zamudio, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalifa, Ms. Ksentini, Ms. Mbonu, Mr. Sadi, Mr. Shao, Mr. Suescún, Mr. Türk and Ms. Warzazi. Mr. Bhandare subsequently joined the sponsors.

194. The draft resolution was orally revised by the sponsors by inserting a new operative paragraph 8 to be read as follows:

> "8. Requests the Chairman of the Commission on Human Rights to urgently transmit this appeal to the South African Government."

195. Ms. Palley proposed amending preambular paragraph 5, by replacing in the fourth line, "Act" by "Bill"; and inserting after "blacks", "to be".

196. Mr. van Boven proposed inserting a new preambular paragraph between preambular paragraphs 6 and 7 reading: "Seriously concerned about the alarming number of reported executions in South Africa". He also proposed replacing, in operative paragraphs 8 and 11, "South Africa" by "the South African apartheid régime".

197. The amendments were accepted by the sponsors.

198. Mr. Treat proposed deleting in operative paragraph 14, "and in particular Israel and Equatorial Guinea". Mr. Treat subsequently withdrew it.

199. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mr. Assouma, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Fix Zamudio, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Sadi, Mr. Treat and Ms. Warzazi.

200. The draft resolution, as amended, was adopted without a vote.

201. For the text of the resolution as adopted, see Chapter II, section A, resolution 1989/3.

The situation in the Palestinian and other Arab territories occupied by Israel

202. At the 36th meeting, on 31 August 1989, Ms. Ksentini introduced draft resolution E/CN.4/Sub.2/1989/L.27, submitted by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Ilkahanaf, Mr. Khalifa, Ms. Ksentini and Mr. Sadi.

203. Statements relating to the draft resolution were made by Mr. van Boven, Mr. Despouy, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Ms. Palley, Mr. Sadi, Mr. Treat, Mr. Varela Quirós and Ms. Warzazi.

204. A statement was also made by the observer for Israel.

205. At the 37th meeting, on 31 August 1989, at the request of Mr. van Boven a separate vote was taken on operative paragraph 6. The paragraph was retained by secret ballot by 14 votes to 6, with 2 abstentions.

206. At the same meeting, at the request of Mr. Treat, a vote was taken on draft resolution E/CN.4/Sub.2/1989/L.27, as a whole. The draft resolution was adopted by secret ballot by 15 votes to 5, with 2 abstentions.

207. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/4.

Situation in China

208. At the 37th meeting, on 31 August 1989, Mr. Eide introduced draft resolution E/CN.4/Sub.2/1989/L.31, submitted by Ms. Bautista, Mr. van Boven, Mr. Eide, Mr. Fix Zamudio, Mr. Hatano, Mr. Joinet, Ms. Palley, Mr. Treat and Mr. Varela Quirós.

209. The sponsors orally revised the draft resolution by deleting operative paragraph 1.

210. Ms. Warzazi supported by Mr. Joinet suggested the deletion of the words "also" and "further" in the second operative paragraph. The amendments were accepted by the sponsors.

211. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mr. Diaconu, Mr. Despouy, Mr. Ilkahanaf, Ms. Ksentini, Mr. Joinet, Mr. Tian, Mr. Treat, Mr. Varela Quirós and Ms. Warzazi.

212. The observer for China also made a statement.

213. At the request of Mr. Tian, a vote was taken on draft resolution E/CN.4/Sub.2/1989/L.31. The draft resolution, as amended, was adopted by secret ballot by 15 votes to 9.

214. For the text of the resolution as adopted, see Chapter II, section A, resolution 1989/5.

The situation in Iraq

215. At the 37th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.32 submitted by Mr. van Boven, Mr. Eide, Mr. Fix Zamudio, Mr. Joinet, Ms. Palley, Mr. Suescún, Mr. Treat and Mr. Varela Quirós.

216. Statements relating to the draft resolution were made by Ms. Daes, Mr. Eide, Ms. Ksentini, Mr. Joinet, Ms. Palley, Mr. Suescún and Ms. Warzazi.

217. The observer for Iraq also made a statement.

218. Mr. Sadi moved, under rule 65 (2) of the rules of procedure, to take no action on the draft resolution.

219. The motion was accepted by secret ballot by 14 votes to 10.

220. For the text of the decision see Chapter II, section B, decision 1986/106.

221. The draft resolution read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Seriously concerned about reports of grave violations of human rights in Iraq, including the use of chemical weapons against unarmed civilians,

Equally concerned by reports of the enforced displacement of many people, including large numbers of Kurds in the North of Iraq,

Recommends to the Commission on Human Rights that it study carefully, at its forty-sixth session, the evolution of the situation of human rights and fundamental freedoms in Iraq."

Situation of human rights in Guatemala

222. At the 37th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.33, submitted by Mr. Despouy, Mr. Fix Zamudio, Mr. Suescún and Mr. Varela Quirós. Mr. Joinet subsequently joined the sponsors.

223. Mr. van Boven proposed inserting, in preambular paragraph 5, before the word "violations", the word "serious".

224. Mr. Eide proposed amending the draft resolution by:

(a) inserting a new preambular paragraph after the fifth paragraph to read as follows:

"Seriously concerned about the human rights situation of the indigenous peoples, in particular with respect to economic, social and cultural rights";

(b) and replacing operative paragraph 2 by the following:

"Encourages the Government of Guatemala to adopt concrete measures to improve the economic, social and political conditions of the indigenous peoples, taking into account their demands and proposals, as well as all relevant international standards in this field."

225. Mr. van Boven proposed inserting, after operative paragraph 3, a new paragraph to read as follows:

"Deems it urgent that the Government of Guatemala intensifies its efforts to ensure that all authorities and security forces fully respect the human rights and fundamental freedoms of its citizens."

226. Mr. Ilkahanaf proposed to delete operative paragraph 5. The amendment was accepted by the sponsors.

227. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Despouy, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet and Ms. Warzazi.

228. The observer for Guatemala made a statement.

229. In accordance with rule 65 (2) of the rules of procedure, Ms. Warzazi proposed to take no action on this draft resolution. This motion was rejected by secret ballot by 12 votes to 9, with 2 abstentions.

230. The amendments proposed by Mr. van Boven and Mr. Eide were adopted by secret ballot by 13 votes to 6, with 4 abstentions.

231. The draft resolution, as amended, was adopted without a vote.

232. For the text of the resolution as adopted, see Chapter II, section A, resolution 1989/6.

Situation in East Timor

233. At its 37th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.34 submitted by Ms. Daes, Mr. Eide, Mr. Fix Zamudio, Mr. Hatano and Ms. Palley.

234. Statements relating to the draft resolution were made by Mr. van Boven, Ms. Daes, Mr. Diaconu, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet and Ms. Warzazi.

235. The observer for Indonesia also made a statement.

236. The draft resolution was adopted by secret ballot by 12 votes to 9, with 3 abstentions.

237. For the text of the resolution as adopted, see Chapter II, section A, resolution 1989/7.

Situation in the Syrian Arab Republic and Syrian controlled areas of Lebanon

238. On 25 August 1989, a draft resolution E/CN.4/Sub.2/1989/L.35 was submitted by Ms. Palley, which was subsequently withdrawn by the sponsor. The draft resolution read as follows:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Geneva Conventions of 1949 and the Additional Protocols thereto,
>
> Mindful of General Assembly resolution 43/132 of 8 December 1988 in which the Assembly expressed its determination to promote the full implementation of the prohibition of the practice of torture and other cruel, inhuman or degrading treatment or punishment,
>
> Mindful also of General Assembly resolution 42/103 of 7 December 1987 and of resolution 42/147 of the same date in which the Assembly observed that the maintenance of states of emergency constitutes a source of frequent violations of human rights,
>
> Recalling its resolution 1988/9 of 31 August 1988, appealing to Member States to ensure respect for the rights of staff members of the United Nations system,

Noting that security forces in the Syrian Arab Republic have exercised extraordinary powers of arrest and detention under the state of emergency which has been in force in that country since 1963,

Gravely concerned by reports of widespread summary or arbitrary executions, including mass executions, as well as deaths in custody, both within the Syrian Arab Republic and in Syrian-controlled areas of Lebanon,

Concerned also by widespread report of torture, disappearances, and detention incommunicado without trial,

Deeply disturbed by allegations that family members of persons sought by the security forces have been detained as hostages,

Deploring the recent deterioration of the situation in Syrian-controlled areas of Lebanon, including the destruction of civilian areas and the resulting extensive loss of life,

1. Condemns the apparent widespread and irresponsible use of arbitrary arrests, detention, torture and executions by security forces of the Syrian Arab Republic;

2. Also condemns the conduct of military forces of the Syrian Arab Republic in Syrian-controlled areas of Lebanon, which contravene the principles of international humanitarian law;

3. Deplores in particular the numerous instances of detention of United Nations staff members of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

4. Appeals to the Government of the Syrian Arab Republic to lift the state of emergency in that country, implement fully all of the provisions of international instruments relating to human rights applicable to the administration of justice and treatment of detainees, and in particular to ensure the cessation of the practice of torture, and of the execution of political prisoners;

5. Also appeals to the Government of the Syrian Arab Republic to observe strictly the principles of international humanitarian law with respect to Syrian-controlled areas of Lebanon, and in particular to ensure the protection of the civilian population;

6. Requests the Secretary-General to bring this resolution to the attention of the Commission on Human Rights at its forty-sixth session, and to the attention of the special rapporteurs and working groups on situations of the Commission."

Situation in Lebanon

239. At its 37th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.36/Rev.1 submitted by Ms. Bautista, Ms. Daes and Mr. Eide.

240. Ms. Ksentini proposed that operative paragraph 4 be replaced by the following:

> "Requests the Secretary-General to bring the present resolution to the attention of the Commission on Human Rights at its forty-sixth session."

241. Statements relating to the draft resolution and the proposed amendment were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Eide, Ms. Palley and Mr. Sadi.

242. The amendment submitted by Ms. Ksentini was rejected by secret ballot by 12 votes to 11.

243. At the request of Ms. Ksentini, a vote was taken on draft resolution E/CN.4/Sub.2/1989/L.36/Rev.1 which was adopted by secret ballot by 18 votes to 2, with 3 abstentions.

244. For the text of the resolution as adopted, see Chapter II, section A, resolution 1989/8.

Situation of human rights in El Salvador

245. At its 37th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.37 submitted by Mr. Despouy, Mr. Eide, Mr. Fix Zamudio, Mr. Joinet and Mr. Suescún. Mr. van Boven subsequently joined the sponsors.

246. The sponsors orally revised the draft resolution by deleting preambular paragraphs 3 and 9 and replacing operative paragraph 2 by the following:

> "Expresses its satisfaction at the invitation of the Government of El Salvador for the Working Group on Enforced or Involuntary Disappearances to visit that country soon."

247. Mr. Varela Quirós suggested inserting at the end of the tenth preambular paragraph the following:

> "and requesting that all effort be made for a dialogue between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional".

The amendment was accepted by the sponsors.

248. Mr. Carey supported by Ms. Warzazi suggested amending preambular paragraph 5, by inserting, after the word "clothing", the words "as well as by the insurgents of the Frente Farabundo Martí para la Liberación Nacional". The same words were also to be inserted in operative paragraphs 4 and 5 after "El Salvador".

249. Mr. Alfonso Martínez suggested amending operative paragraph 5, second line, by inserting after "to ensure that", the words "those responsible for the murder of Monsignor Romero, Bishop of El Salvador, be brought to trial, and".

250. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Carey, Mr. Despouy, Mr. Ilkahanaf, Mr. Joinet and Ms. Warzazi.

251. The observer for El Salvador also made a statement.

252. Ms. Warzazi moved, under rule 65 (2) of the rules of procedure, that the Sub-Commission take no action on the draft resolution. The motion was rejected by secret ballot by 13 votes to 9, with 2 abstentions.

253. The amendments submitted by Mr. Carey were rejected by secret ballot by 10 votes to 10, with 2 abstentions.

254. The amendment submitted by Mr. Alfonso Martínez was adopted by secret ballot by 12 votes to 7, with 4 abstentions.

255. At the request of Ms. Warzazi, a vote was taken on the draft resolution as amended, which was adopted by secret ballot by 12 to 7, with 5 abstentions.

256. For the text of the resolution as adopted, see Chapter II, section A, resolution 1989/9.

The situation of human rights in the Islamic Republic of Iran

257. At its 37th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.38/Rev.1, submitted by Mr. van Boven, Mr. Eide, Ms. Palley, Mr. Treat and Mr. Varela Quirós.

258. Mr. Varela Quirós orally revised the draft resolution by inserting a new paragraph at the end of the preamble, which read as follows:

> "Further concerned at reports about persecution and detention of members of the Baha'i community in the Islamic Republic of Iran,"

The amendment was accepted by the sponsors.

259. Mr. Eide proposed adding a new paragraph after the fifth preambular one reading as follows:

> "Having learnt with great concern of a list containing names and particulars of 2,023 political prisoners allegedly executed since July 1988".

260. The amendment was subsequently withdrawn.

261. Statements relating to the draft resolution were made by Mr. van Boven, Mr. Eide, Mr. Fix Zamudio, Mr. Joinet, Ms. Ksentini, Ms. Palley and Mr. Varela Quirós.

262. The observer for Iran made a statement.

263. At the request of Mr. Alfonso Martínez, a vote was taken on the amendment submitted by Mr. Varela Quirós. The amendment was adopted by secret ballot by 16 votes to 2, with 6 abstentions.

264. At the request of Mr. Diaconu, a vote was taken on the draft resolution, as amended, which was adopted by secret ballot by 17 votes to 3, with 4 abstentions.

265. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/10.

The actual situation of all human rights in the world

266. On 25 August 1989, draft resolution E/CN.4/Sub.2/1989/L.39 was submitted by Ms. Palley which was subsequently withdrawn. The draft resolution read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of General Assembly resolution 43/125 of 8 December 1988, in which the Assembly expressed concern at the disparity existing between established norms and principles and the actual situation of all human rights and fundamental freedoms in the world,

Guided by General Assembly resolution 43/90 of 8 December 1988, in which the Assembly invited the Commission on Human Rights to consider a programme of action in the field of human rights, including measures to strengthen the United Nations machinery for the promotion and protection of human rights,

Recalling Commission on Human Rights resolution 8 (XXIII) of 16 March 1967, which authorized the Sub-Commission to report annually on situations which appear to reveal a consistent pattern of gross violations of human rights,

Recalling also Economic and Social Council resolution 1235 (XLII) of 6 June 1967, welcoming Commission resolution 8 (XXIII) and concurring in the Commission's request for assistance in this regard from the Sub-Commission,

Reaffirming the important role of resolutions drawing the attention of the Commission to situations in particular countries,

Conscious none the less of the difficulties of adopting resolutions on each situation which may merit consideration by the Commission,

Believing in the need for more comprehensive and balanced approaches to its annual review of violations of human rights, which place situations in their wider regional and global contexts,

Recognizing that situations in various countries may differ in degree of severity, that governments may differ in the extent to which they demonstrate a commitment to resolve them in accordance with international standards, and that the response of the Sub-Commission and Commission should reflect these differences,

Convinced that consideration by the Commission on Human Rights of specific situations of alleged violations of human rights and fundamental freedoms can contribute to the promotion and protection of human rights and fundamental freedoms,

Deeply preoccupied by continuing reports of racial discrimination, discrimination against minorities and widespread violations of the right to life and physical integrity by summary or arbitrary execution, enforced or involuntary disappearances, torture and the excessive use of force by police and military personnel,

1. Expresses its deep concern at the information presented to it regarding alleged violations of human rights and fundamental freedoms in many parts of the world;

2. Draws the attention of the Commission on Human Rights to the information presented to it in connection with its discussion of agenda item 6 as reflected in the summary records and statements circulated by observers;

Decides as follows:

A.

(a) Expresses its deep concern and draws the Commission's attention to the serious situations and the grave allegations of violations of human rights and fundamental freedoms in the countries listed below; (b) recommends that the Commission consider initiating or continuing close scrutiny of these situations with a view to the re-establishment of respect for human rights and; (c) invites the Government concerned to provide the Commission, prior to its next session, with any information it might wish to submit;

Bulgaria	-	Alleged denial of the right to freedom of religion and of the right of ethnic or religious minorities to enjoy their own culture and to profess and practise their own religion and to use their own language; denial of the rights to freedom of expression and of peaceful assembly and of the right to life.
Burundi	-	Alleged denial of the right to life and of equal protection of the law.
China	-	Alleged denial of the right to life, freedom of expression, to peaceful assembly and to freedom of association; denial of fair and public hearing by an independent and impartial tribunal; denial of the right to freedom from arbitrary arrest and detention.
Ethiopia	-	Alleged denial of the right to life, to freedom of expression, to freedom from arbitrary arrest and detention, to freedom from torture and from cruel, inhuman and degrading treatment or punishment.

Haiti	-	Alleged denial of the rights to life, to freedom of assembly and to take part freely in the conduct of public affairs.
Indonesia	-	Alleged denial of the rights to life, to equal protection of the law and to freedom from cruel and inhuman treatment.
Iran	-	Alleged denial of the rights to life, to freedom from arbitrary arrest and detention, to freedom from torture, freedom of religion and of the right of religious minorities to profess and practise their own religion; denial of equal rights to men and women.
Iraq	-	Alleged denial of the rights to life and to freedom from torture and from cruel or inhuman treatment.
Israel	-	Alleged denial of the rights to life, to freedom from arbitrary arrest and detention, to freedom of expression and assembly and to freedom from arbitrary interference with privacy, family and home; denial of equal protection of the law.
Myanmar	-	Alleged denial of the rights to life, to freedom of expression, to peaceful assembly and to freedom of association; denial of fair and public hearing by an independent and impartial tribunal; denial of the right to freedom from arbitrary arrest and detention.
Paraguay	-	Alleged denial of the rights to life, to freedom of expression, to peaceful assembly and to freedom of association; denial of fair and public hearing by an independent and impartial tribunal; denial of the right to freedom from arbitrary arrest and detention.
Romania	-	Alleged denial of freedom of expression and opinion, of peaceful assembly, of association, of equal protection of the law and of the right of ethnic minorities to enjoy their own culture.
Somalia	-	Alleged denial of the rights to life, to equal protection of the law, to take part freely in the conduct of public affairs and to freedom from torture and from cruel or inhuman treatment.
South Africa	-	Alleged denial of the rights to life, to freedom from torture and from cruel or inhuman treatment, to equal protection of the law, to take part freely in the conduct of public affairs, to freedom of expression, peaceful assembly and association, to freedom from arbitrary arrest and detention, to freedom from arbitrary interference with privacy, home and correspondence; breach of the duty to respect and ensure all civil, political, economic, social and cultural rights without distinction of any kind.

Sudan	-	Alleged denial of the rights to life, to equal protection of the law, to take part in the conduct of public affairs; denial of the right of ethnic minorities to enjoy their own culture.
Syria	-	Alleged denial of the rights to life, to freedom from torture and from cruel, inhuman or degrading treatment, to freedom from arbitrary arrest and detention, to freedom of expression and of association, and to take part freely in the conduct of public affairs.
Zaire	-	Alleged denial of the rights to life, to freedom from torture and from cruel, inhuman or degrading treatment, to freedom from arbitrary arrest and detention, to freedom of expression and association and to take part freely in the conduct of public affairs.

Requests the Secretary-General to prepare a note for the Commission reflecting the information received by the Sub-Commission on the above-mentioned situations; this note would be based on the information contained in the summary records and statements circulated by observers in accordance with established practices.

B.

(a) Expresses its preoccupation and draws the Commission's attention to the allegations of human rights violations in the countries listed below and of the information submitted by Governments; (b) recommends that the Commission consider in what way it might best contribute to the improvement of respect for human rights and fundamental freedoms; and (c) invites the Government concerned to provide the Commission, prior to its next session, with any information it might wish to submit;

Albania	-	Alleged denial of the right to freedom of religion.
Angola	-	Alleged denial of the right to life and to freedom from cruel and inhuman treatment
Chile	-	Alleged denial of freedoms of expression, peaceful assembly and association and the right to take part freely in the conduct of public affairs.
Cuba	-	Alleged denial of the right to life and denial of freedom of expression.
German Dem. Rep.	-	Alleged denial of the right of freedom to leave his or her country, of the right to fair and public hearing, and of freedom of expression.
Guatemala	-	Alleged denial of the right to life.

Honduras	-	Alleged denial of the right to life.
Libyan Arab Jamahiriya	-	Alleged denial of the right to life.
Mauritania	-	Alleged denial of equal protection of the law; unlawful expulsion of aliens and discrimination on grounds of colour or national origin.
Sri Lanka	-	Alleged denial of the rights to life and to freedom from arbitrary arrest and detention.
Turkey	-	Alleged denial of freedom from arbitary arrest and detention, from torture and cruel or inhuman treatment, and of the right of ethnic minorities to enjoy their own culture and to use their own language.

Requests the Secretary-General to prepare a note for submission to the Commission at its next session reflecting the information received by the Sub-Commission on the above matters; this note would be based on the information contained in the summary records and statements circulated by observers in accordance with established practices.

C.

Notes the information received concerning respect for human rights and fundamental freedoms in the countries listed below which may require its continuing consideration and review together with any further data it may receive at its forty-second session.

Australia	-	In relation to indigenous people, alleged failure to guarantee exercise of economic, social and cultural rights without discrimination and denial of equal protection of the law.
Brazil	-	In relation to indigenous people, alleged denial of the right to life.
Canada	-	In relation to indigenous people, alleged failure to guarantee exercise of economic, social and cultural rights without discrimination, and denial of equal protection of the law.
Colombia	-	Alleged denial of the right to life.
El Salvador	-	Alleged denial of the right to life.
Federal Rep. of Germany	-	In respect of migrant workers, alleged denial of equal protection of the law.
France	-	In respect of migrant workers, alleged denial of equal protection of the law.

India	-	Alleged denial of the rights to life and of protection from arbitrary arrest and detention.
Nicaragua	-	Alleged denial of the rights to freedom of opinion, to freedom of expression and to take part freely in public affairs.
Pakistan	-	Alleged denial of the right to manifest freely religious belief and denial of equal rights to men and women.
Peru	-	Alleged denial of the right to life; in relation to indigenous people, denial of enjoyment of economic, social and cultural rights without discrimination.
United Kingdom	-	Alleged failure to take special measures of protection and assistance on behalf of all children and young persons without any discrimination for reasons of parentage; failure to take appropriate steps to ensure realizations of the right of everyone to an adequate standard of living for himself and his family, including adequate housing.
United States of America	-	In relation to certain indigenous people, alleged denial of economic, social and cultural rights without discrimination and of the right to freedom from interference with privacy, family and home."

VIII. NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

A. The role and equal participation of women in development

267. The Sub-Commission considered item 7 of its agenda at its 25th to 28th, and 38th meetings, held from 23 to 25 and on 31 August 1989.

268. The Sub-Commission had before it the following documents in connection with the consideration of this item:

Report of the Secretary-General on the right to adequate food as a human right (E/CN.4/Sub.2/1989/16);

Report of the Secretary-General prepared in accordance with Sub-Commission resolution 1987/28 (E/CN.4/Sub.2/1989/17);

Preliminary report prepared by the Special Rapporteur, Mr. Türk, on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1989/19);

Report of the Committee on the Elimination of Discrimination Against Women (A/43/38);

Report of the Commission on the Status of Women on its thirty-second session (E/1988/15);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (Category II) (E/CN.4/Sub.2/1989/NGO/6);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization on the roster (E/CN.4/Sub.2/1989/NGO/9);

Written statement submitted by the International Alliance of Women - Equal Rights, Equal Responsibilities, the International Council of Women, the Society for International Development, Soroptimist International and Zonta International (Category I); the Afro-Asian People's Solidarity Organization, Caritas Internationalis, the International Association of Democratic Lawyers, the International Association of Educators for World Peace, the International Association of Juvenile and Family Court Magistrates, the International Catholic Child Bureau, the International Catholic Migration Commission, the International Council of Jewish Women, the International Federation of Social Workers, the International Federation of Women in Legal Careers, the International Federation of Women Lawyers, the International Movement ATD Fourth World, the International League for the Rights and Liberation of Peoples, the International Movement for Fraternal Union Among Races and Peoples, the Lutheran World Federation, the Medical Women's International Association, Pax Christi, Pax Romana, the Women's International League for Peace and Freedom, the World Alliance of Young Men's Christian Associations (Category II), the World Association of Girl Guides and Girl Scouts, the World Federation of Methodist Women, the World Movement of Mothers, the World Organization of the Scout Movement, the World Union of Catholic

Women's Organizations, the World Young Women's Christian Association and the World Union for Progressive Judaism (Roster), non-governmental organizations in consultative status (E/CN.4/1989/NGO/46).

A note by the Division for the Advancement of Women, Centre for Social Development and Humanitarian Affairs of the United Nations (E/CN.4/Sub.2/1989/CRP.1).

269. At the 25th meeting, the Deputy Director of the Centre for Human Rights introduced the item.

270. At the 26th meeting, the Special Rapporteur, Mr. Türk introduced his preliminary report.

271. In the general debate on the item, statements were made by the following members: Mr. Assouma (27th), Mr. Alfonso Martínez (27th), Mr. Bhandare (27th), Ms. Bautista (27th), Mr. van Boven (26th), Mr. Despouy (27th), Mr. Diaconu (27th), Mr. Eide (26th), Mr. Hatano (27th), Mr. Joinet (27th), Mr. Khalifa (26th), Ms. Ksentini (27th), Ms. Mbonu (27th), Mr. Sadi (26th), Mr. Shao (27th), Mr. Suescún (27th), Mr. Treat (26th) and Ms. Warzazi (27th).

272. Statements were made by the observer for Argentina (28th), Brazil (28th), German Democratic Republic (28th), Peru (28th) and Venezuela (28th).

273. Statements were also made by the following non-governmental organizations: Four Directions Council (27th), Habitat International Coalition (28th), International Council of Jewish Women (27th), International Federation of Human Rights (27th), International Movement ATD Fourth World (27th), International Movement for Fraternal Union Among Races and Peoples (28th), Romani Union (28th), and World University Service (28th).

274. At the 28th meeting, the Special Rapporteur, presented his concluding remarks.

Realization of economic, social and cultural rights

275. At the 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.42, submitted by Mr. Alfonso Martínez, Mr. Bhandare, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Fix Zamudio, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Ms. Palley, Mr. Sadi, Mr. Suescún, Mr. Tian, Mr. Treat, Mr. Varela Quirós and Ms. Warzazi.

276. Mr. Despouy proposed to insert, after the fourth preambular paragraph, a new preambular paragraph reading:

> "Conscious also of the fact that the implementation of efficient measures to promote enjoyment of all human rights and fundamental freedoms requires a better understanding of extreme poverty and of its effects on the exercise of human rights".

This amendment was accepted by the sponsors.

277. Statements relating to the draft resolution were made by Mr. Despouy, Mr. Diaconu and Mr. Türk.

278. The draft resolution, as amended, was adopted without a vote.

279. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/20.

Foreign debt, economic adjustment policies and their effects on the enjoyment of human rights

280. At the 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.50, submitted by Mr. Alfonso Martínez, Mr. Assouma, Mr. Despouy, Mr. Diaconu, Mr. Fix Zamudio, Ms. Ksentini and Mr. Suescún. Ms. Bautista subsequently joined the sponsors.

281. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Mr. Diaconu, Mr. Joinet, Ms. Ksentini, Mr. Suescún, Mr. Treat, Mr. Türk and Ms. Warzazi.

282. Mr. Alfonso Martínez proposed inserting, after the third preambular paragraph, a new preambular paragraph reading:

> "Bearing in mind also resolution 1989/15 adopted by the Commission on Human Rights at its forty-fifth session."

The amendment was accepted by the sponsors.

283. Mr. Treat proposed inserting a new operative paragraph after operative paragraph 2 reading:

> "Recognizing that all financial aid to developing countries, whether from the public or private sector, must take into consideration the economic, financial and political stability of the receiving country."

284. Mr. Diaconu proposed a further amendment to the proposal by Mr. Treat which he later withdrew. The amendment sought to insert the words "as well as the social and economic programmes and needs of the receiving country" after the words "political stability".

285. Mr. Treat accepted the amendment proposed by Mr. Diaconu as his own.

286. Statements in explanations of vote before the vote on Mr. Treat's amendment were made by Mr. Chernichenko and Ms. Ksentini.

287. A vote was taken on the amendment by Mr. Treat as further amended, which was rejected by 9 votes to 1, with 8 abstentions.

288. At the request of Mr. Treat, a vote was taken on the draft resolution, as amended, which was adopted by 17 votes to 1, with 1 abstention.

289. Explanations of vote after the vote were made by Mr. Joinet, Mr. Türk and Ms. Warzazi.

290. For the text of the resolution as adopted see Chapter II, section A, resolution 1989/21.

IX. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

291. The Sub-Commission considered item 8 of its agenda at its 28th to 31st closed meetings, and at its 40th meeting (closed part), held on 25 and 28 August and on 1 September 1989.

292. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

293. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

294. At its forty-first session, the Sub-Commission had before it a confidential report on the work of the seventeenth session of the Working Group on Communications, held from 24 July to 4 August 1989 (E/CN.4/Sub.2/1989/R.1 and Addenda), as well as certain communications which had been kept pending before it since its fortieth session in 1988. The Chairman/Rapporteur of the Working Group on Communications, Mr. Yimer, introduced the report and drew attention, as appropriate, to the material which was pending before the Sub-Commission since its fortieth session.

295. At the outset of the consideration of the item, the Sub-Commission took two decisions of a procedural nature relating to the implementation of Economic and Social Council resolution 1503 (XLVIII), namely: (a) a decision to suspend rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council, so as to allow for voting by secret ballot for decisions adopted at its forty-first session under Economic and Social Council resolution 1503 (XLVIII); and (b) a decision to the effect that, henceforth, the Sub-Commission's Working Group on Communications, acting under operative paragraph 1 of Economic and Social Council resolution 1503 (XLVIII), shall not consider a communication unless the Government concerned has had five months for the submission of a reply, counted from the day on which the communication is transmitted to the Government under Economic and Social Council resolution 728 F (XXVIII).

296. For the text of the decisions, as adopted, see Chapter II, section B, decisions 1989/101 and 1989/102, respectively.

297. Following a discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appear to reveal a consistent pattern of gross and reliably

attested violations of human rights. The Sub-Commission decided to defer action on certain communications to its forty-second session in 1990 and to take no action with regard to certain other communications which it had before it.

298. At its 40th meeting (closed part) held on 1 September 1989, the Sub-Commission adopted a report, by which it communicates, confidentially, its decisions to the Commission on Human Rights, in accordance with paragraph 8 of Economic and Social Council resolution 1503 (XLVIII).

299. The Sub-Commission noted with satisfaction that there is a growing willingness of Governments to reply to communications forwarded to them under Economic and Social Council resolution 728 F (XXVIII). The Sub-Commission welcomes this positive development in international co-operation which is essential for the work of the bodies entrusted with the implementation of the procedure governed by Economic and Social Council resolution 1503 (XLVIII).

300. At its 40th meeting, on 1 September 1989, the Sub-Commission decided on the composition of its Working Group on Communications to meet prior to its forty-second session.

301. For the composition of the Working Group, see chapter II, section B, decision 1989/113.

X. ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

A. Question of human rights of persons subjected to any form of detention and imprisonment

B. Question of human rights and states of emergency

C. Individualization of prosecution and penalties, and repercussions of violations of human rights on families

302. The Sub-Commission considered agenda item 9, sub-item 9 (a), 9 (b) and 9 (c) from its 32nd to 35th and at its 38th and 40th meetings, held on 29 to 31 August and on 1 September 1989.

303. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the Secretary-General containing information received from Governments (E/CN.4/Sub.2/1989/20 and Add.1);

Report of the Secretary-General containing information received from specialized agencies and intergovernmental organizations, (E/CN.4/Sub.2/1989/21 and Add.1);

Synopsis of material received from non-governmental organizations, (E/CN.4/Sub.2/1989/22);

Report of the Secretary-General containing succinct information on the work of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, the developments elsewhere in the human rights programme and the activities within the United Nations programme on crime prevention and control as they relate to the question of the human rights of persons subjected to any form of detention or imprisonment (E/CN.4/Sub.2/1989/23);

Report of the Secretary-General containing an analytical compilation of comments and views on the "Draft declaration on the protection of all persons from enforced or involuntary disappearance" (E/CN.4/Sub.2/1989/24 and Add.1-3);

Report of the Secretary-General describing the work being done by other international fora on international standards for adequate investigations into all cases of suspicious deaths in detention, as well as adequate autopsy (E/CN.4/Sub.2/1989/25);

Report on the practice of administrative detention, submitted by Mr. Joinet (E/CN.4/Sub.2/1989/27);

Preliminary report on the protection of the human rights of United Nations Staff members, experts and their families, submitted by Ms. Bautista (E/CN.4/Sub.2/1989/28);

Report of the sessional Working Group on Detention (E/CN.4/Sub.2/1989/29);

Third annual report and list of States which, since of 1 January 1985, have proclaimed, extended or terminated a state of emergency, submitted by Mr. Leandro Despouy (E/CN.4/Sub.2/1989/30 and Add.1 and Add.2/Rev.1);

Letter dated 6 July 1989 from the Permanent Representative of the Republic of South Africa addressed to the Secretariat (E/CN.4/Sub.2/1989/45);

Letter dated 7 August 1989 from the Permanent Mission of Lebanon to the Chairman of the Sub-Commission (E/CN.4/Sub.2/1989/50);

Note by the Permanent Mission of Haiti (E/CN.4/Sub.2/1989/18);

Letter dated 11 September 1989 from the Permanent Representative of Singapore addressed to the Chairman of the Sub-Commission (E/CN.4/Sub.2/1989/57);

Written statement submitted by the International Law Association, a non-governmental organization in consultative status (Category II) (E/CN.4/Sub.2/1989/NGO/7).

Written statement submitted by the International Association of Educators for World Peace, a non-governmental organization in consultative status (Category II) (E/CN.4/Sub.2/1989/NGO/11).

Report of the Working Group of the Sixth Committee of the General Assembly on the Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (A/C.6/43/L.9);

Report on the Tenth Session of the Committee on Crime Prevention and Control (E/1988/20).

304. At the 32nd meeting, on 29 August 1989, the Under-Secretary General for Human Rights introduced the item.

305. At the same meeting, Mr. Joinet introduced his report (E/CN.4/Sub.2/1989/27).

306. At the same meeting, Mr. Despouy introduced his third annual report and list of States (E/CN.4/Sub.2/1989/30 and Add.1 and Add.2/Rev.1).

307. At the 34th meeting, on 30 August 1989, Ms. Bautista introduced her preliminary report (E/CN.4/Sub.2/1989/28).

308. At the 35th meeting, on 30 August 1989, Mr. Joinet, Rapporteur, and Mr. Alfonso Martínez, Chairman, of the Sessional Working Group on Detention introduced the report of the Group (E/CN.4/Sub.2/1989/29).

309. In the general debate on item 9, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (34th, 35th), Mr. Bhandare (32nd), Ms.Bautista (34th, 35th), Mr. van Boven (34th), Mr. Carey (33rd), M. Despouy (32nd, 34th), Mr. Eide (33rd), Mr. Fix Zamudio (23rd), Mr. Ilkahanaf (34th), Mr. Joinet (32nd, 33rd, 34th, 35th), Mr. Ramishvili (32nd), Mr. Sadi (32nd), Mr. Suescún (35th), Mr. Treat (35th), Mr. Türk (34th) and Mr. Varela Quirós (34th).

310. The representative of the United Nations Centre for Social Development and Humanitarian Affairs also made a statement (32nd).

311. The Sub-Commission heard statements by the observer for Lebanon (33rd) and Paraguay (34th).

312. The following non-governmental organizations also made statements: Amnesty International (32nd), Centre Europe Tiers Monde (33rd), International Association of Democratic Lawyers (33rd), International Association of Educators for World Peace (33rd), International Centre of Sociological, Penal and Penitentiary Research and Studies (32nd), International Commission of Jurists (32nd, 38th), International Fellowship of Reconciliation (33rd), International Indian Treaty Council (33rd), International League for Human Rights (32nd), International League for the Rights and the Liberation of Peoples (33rd), International Movement for Fraternal Union Among Races and Peoples (33rd, 38th), Latin American Federation of Associations of Relatives of Disappeared Detainees (33rd), Liberation (33rd), National Aboriginal and Islander Legal Service Secretariat (33rd), Pax Romana (32nd), Regional Council on Human Rights in Asia (33rd), Service, Justice and Peace in Latin America, World Union for Progressive Judaism (32nd).

313. Statements equivalent to right of reply were made by the observer for Australia (34th), Democratic People's Republic of Korea (34th), Ethiopia (34th), Indonesia (34th), Japan (34th), Jordan (34th), Malaysia (34th), Peru (34th), Republic of Korea (34th), Syrian Arab Republic (34th).

Prevention of hostage-taking

314. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.20 submitted by Mr. Chernichenko, Mr. Despouy, Mr. Eide, Ms. Palley, and Mr. Treat. Ms. Bautista and Ms. Daes subsequently joined the sponsors.

315. Mr. Sadi proposed replacing in operative paragraph 2 the word "censures" by "condemns".

316. Mr. Laghmari proposed adding in the fourth preambular paragraph the words "and persons" after the words "innocent citizens".

317. The draft resolution as amended was adopted without a vote.

318. An explanation of vote after the vote was made by Mr. Alfonso Martínez.

319. For the text of the resolution as adopted, see Chapter II, Section A, resolution 1989/26.

Right to a fair trial

320. At the 40th meeting on 1 September 1989, the Sub-Commission took up for consideration resolution E/CN.4/Sub.2/1989/L.21/Rev.1, submitted by Mr. Alfonso Martínez, Mr. Bhandare, Mr. van Boven and Ms. Daes.

321. Mr. van Boven proposed amending the draft resolution as follows:

"(a) In the second preambular paragraph, first line, by deleting '(3) (a)' and inserting in the second line, after 'Political Rights' the phrase 'and in particular its sub-paragraph (3) (a)';

(b) At the end of operative paragraph 1 by adding 'for submission to the Working Group on Detention';

(c) By adding in operative paragraph 3, at the end, "as a sub-item of the item entitled 'The administration of justice and the human rights of detainees'"."

322. Ms. Daes proposed deleting "brief" in the first operative paragraph, second line, and adding to the second amendment of Mr. van Boven "and to the Sub-Commission" after "Detention".

323. Mr. Diaconu proposed replacing, in operative paragraph 1, "Proposes that the Sub-Commission appoints" by "Decides to appoint".

324. Statements to the draft resolution were made by Mr. Alfonso Martínez and Mr. Joinet.

325. The draft resolution, as amended, was adopted without a vote.

326. For the text of the resolution as adopted see Chapter II, section A, resolution 1989/27.

Question of human rights and states of emergency

327. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.48 submitted by Mr. Alfonso Martínez, Mr. Assouma, Mr. Bhandare, Mr. Chernichenko, Ms. Daes, Mr. Joinet, Mr. Khalifa, Ms. Ksentini, Mr. Treat, Mr. Türk and Ms. Warzazi.

328. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1989/L.76) of draft resolution E/CN.4/Sub.2/1989/L.48.

329. The draft resolution was adopted without a vote.

330. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/28.

Study of the issue of the privatization of prisons

331. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft decision E/CN.4/Sub.2/1989/L.56 submitted by Mr. Alfonso Martínez, Ms. Bautista, Mr. Joinet, Ms. Mbonu, and Mr. Türk.

332. The draft decision was adopted without a vote.

333. For the text of the decision, as adopted, see Chapter II, section B, decision 1989/110.

Question of human rights of persons subjected to any form of detention and imprisonment: Detainees and hostages in Lebanon

334. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.61 submitted by Mr. Eide, Mr. Ilkahanaf, Mr. Sadi and Ms. Warzazi. Mr. Treat subsequently joined the sponsors.

335. The draft resolution was adopted without a vote.

336. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/29.

Protection of staff members of the United Nations system.

337. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.67 submitted by Mr. Despouy, Mr. Eide, Mr. Fix Zamudio, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Ms. Palley, Mr. Treat, Mr. Türk, Mr. Varela Quirós and Ms. Warzazi. Mr. van Boven and Ms. Daes subsequently joined the sponsors.

338. Ms. Mbonu supported by Ms. Daes and Mr. Ilkahanaf proposed deleting the words "without financial implications" in operative paragraph 6, first line.

339. An explanation of the vote before the vote was made by Mr. Diaconu.

340. The draft resolution, as amended, was adopted without a vote.

341. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/30.

Report by Mr. Joinet on administrative detention

342. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft decision E/CN.4/Sub.2/1989/L.68 submitted by Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven and Ms. Daes. Mr. Türk subsequently joined the sponsors.

343. Ms. Daes proposed adding in the sixth line, "and his revised report" after "proposals" and deleting, at the end of the text of the draft decision, "in the light of the revised report".

344. Mr. Joinet proposed adding in the third line, "on administrative detention".

345. The draft decision, as amended, was adopted without a vote.

346. For the text of the decision, as adopted, see Chapter II, section B, decision 1989/111.

Application of international standards concerning the human rights of detained juveniles

347. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.69 submitted by Mr. Alfonso Martínez, Ms. Bautista and Mr. Joinet. Mr. Ilkahanaf, Mr. Sadi and Mr. Türk subsequently joined the sponsors.

348. Mr. Alfonso Martínez proposed replacing, in operative paragraph 2 the phrase "Requests the Chairman of the forty-first session of the Sub-Commission to nominate a member of the Working Group to prepare a report without financial consequences" by "Decides to appoint Ms. Bautista to prepare a report without financial implications,".

349. The draft resolution, as amended, was adopted without a vote.

350. For the text of the resolution, as adopted, see Chapter II, Section A, resolution 1989/31.

Application of the death penalty to persons under 18 years of age

351. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.70 submitted by Mr. Alfonso Martínez and Ms. Bautista. Mr. Despouy, Mr. Joinet and Mr. Türk subsequently joined the sponsors.

352. Mr. Joinet proposed adding a new last preambular paragraph, to read as follows:

> "Recalling Commission on Human Rights resolution 1989/25 of 6 March 1989, transmitting the text of the second draft optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty to the forty-fourth session of the General Assembly for suitable action."

353. Ms. Daes proposed sub-amending Mr. Joinet's amendment by adding "also" before "Recalling"; and adding, in operative paragraph 1, after "18" "to take the necessary legislative and administrative measures with a view to stopping".

354. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mr. Ilkahanaf, Mr. Laghmari and Mr. Sadi.

355. The draft resolution, as amended, was adopted without a vote.

356. For the text of the resolution, see Chapter II, section A, resolution 1989/32.

Use of force by law enforcement officials

357. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.71 submitted by Mr. Bhandare, Ms. Daes, Mr. Eide and Mr. Varela Quirós. Ms. Bautista, Mr. Chernichenko, Mr. Diaconu, Mr. Ilkahanaf and Mr. Joinet subsequently joined the sponsors.

358. Mr. Carey proposed, in the seventh preambular paragraph, second line, adding "aggressive measures such as" before "fire arms".

359. Mr. Sadi proposed sub-amending Mr. Carey's amendment by replacing "such as" by "including".

360. Mr. Eide proposed replacing "fire arms and tear gas" by "fire arms, tear gas and similar devices".

361. Mr. Carey sub-amended Mr. Eide's amendment by replacing "similar devices" by "similarly harmful devices".

362. Ms. Bautista proposed replacing "devices" by "equipments".

363. Mr. Eide suggested formulating "firearms, tear gas and equally harmful devices", which was finally accepted by the sponsors.

364. The draft resolution, as amended by Mr. Eide, was adopted without a vote.

365. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/33.

XI. INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY, JURORS AND ASSESSORS AND THE INDEPENDENCE OF LAWYERS

366. The Sub-Commission considered agenda item 10 at its 11th to 13th and 38th meetings, held on 14, 15 and 31 August 1989.

367. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report and a revised text on the Draft Declaration on the Independence and Impartiality of the Judiciary, Jurors and Assessors and the Independence of Lawyers submitted by the Special Rapporteur, Mr. Singhvi, (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (Category II) (E/CN.4/Sub.2/1989/NGO/5).

368. At the 11th meeting, on 14 August 1989, the item was introduced by the Deputy Director of the Centre for Human Rights.

369. In the general debate on the item, the Sub-Commission heard statements by the following members: Mr. Alfonso Martínez (11th), Ms. Bautista (12th), Mr. Bhandare (11th), Mr. van Boven (11th), Mr. Eide (12th), Mr. Fix Zamudio (12th), Mr. Joinet (11th, 12th), Mr. Suescún (12th) and Mr. Tian (12th).

370. The Sub-Commission also heard statements by the following non-governmental organizations: International Commission of Jurists (12th), International Federation of Human Rights (12th), International Human Rights Law Group (12th) and Procedural Aspects of International Law Institute (12th).

371. Statements equivalent to right of reply were made by the observer for Malaysia (13th) and the Philippines (13th).

372. At the 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.13 submitted by Mr. Alfonso Martínez, Mr. van Boven, Mr. Despouy, Mr. Eide, Mr. Fix Zamudio and Mr. Türk. Ms. Bautista, Ms. Daes, Mr. Ilkahanaf, Mr. Treat and Mr. Varela Quirós subsequently joined the sponsors.

373. Mr. van Boven proposed including a new last preambular paragraph to read as follows:

"Bearing in mind the co-operation in this area between the United Nations Centre for Human Rights and the United Nations Programme on Crime Prevention and Criminal Justice".

374. Ms. Daes proposed adding, in operative paragraph 3, second line, "in the area of monitoring" after "means".

375. The amendments were accepted by the sponsors.

376. Statements relating to the draft resolution were made by Mr. van Boven, Ms. Daes and Ms. Ksentini.

377. The draft resolution, as amended, was adopted without a vote.

378. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/22.

XII. ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

379. The Sub-Commission considered agenda item 11 at its 12th to 15th and 38th meetings, held on 15, 16 and 31 August 1989.

380. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1987/33 (E/CN.4/Sub.2/1989/31 and Add.1);

Working paper prepared by Mr. van Boven, pursuant to Commission resolution 1988/55 and Sub-Commission decision 1988/112 (E/CN.4/Sub.2/1989/32);

Letter dated 6 July 1989 from the Permanent Representative of Turkey addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1989/46);

Letter dated 7 August 1989 from the Permanent Representative of Bulgaria addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1989/52);

Report submitted by Mr. d'Almeida Ribeiro, Special Rapporteur of the Commission on Human Rights (E/CN.4/1989/44).

381. At the 12th meeting, on 15 August 1989, the Deputy Director of the Centre for Human Rights introduced the item. At the 13th meeting, on the same day, Mr. van Boven introduced his working paper.

382. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Al-Khasawneh (14th), Ms. Bautista (15th), Mr. Bhandare (14th), Mr. van Boven (15th), Mr. Chernichenko (14th), Mr. Diaconu (14th), Mr. Eide (14th), Mr. Hatano (15th), Mr. Khalifa (13th), Ms. Ksentini (13th), Ms. Mbonu (13th), Ms. Palley (13th), Mr. Türk (14th), Mr. Varela Quirós (15th) and Ms. Warzazi (14th).

383. The Sub-Commission also heard a statement by the observer for Burundi (15th).

384. Statements were also made by the following non-governmental organizations: Commission of the Churches on International Affairs (14th), Four Directions Council (13th), Indigenous World Association (14th), International Association for the Defence of Religious Liberty (13th), International Association of Educators for World Peace (14th), International Council of Jewish Women (13th), International League for Human Rights (14th), International Organization for the Elimination of All Forms of Racial Discrimination (14th), Minority Rights Group (14th), Pax Romana (15th), World Jewish Congress (14th), World Union for Progressive Judaism (14th).

385. Statements equivalent to right of reply were made by the observer for Israel (15th) and Syrian Arab Republic (15th).

386. At the 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.19, submitted by Mr. Al-Khasawneh, Ms. Bautista, Mr. Chernichenko, Mr. Eide, Mr. Fix Zamudio, Mr. Ilkahanaf, Mr. Treat and Mr. Türk. Mr. Varela Quirós subsequently joined the sponsors.

387. Ms. Ksentini proposed amending operative paragraph 8 (b) by re-phrasing this paragraph as follows: "The possibility of drafting any new binding instrument should be considered in the light of the complexity of the subject matter, which requires careful preparatory work, sound research and analysis, along the lines of General Assembly resolution 41/230 of 4 December 1986". She also proposed deleting, in operative paragraph 4, the phrase "including the question of any further standard-setting".

388. The amendments were accepted by the sponsors.

389. The draft resolution, as amended by Ms. Ksentini, was adopted without a vote.

390. For the text of the resolution as adopted, see Chapter II, section A, resolution 1989/23.

XIII. INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE

391. The Sub-Commission considered agenda item 12 at its 9th to 12th and 38th meetings, held on 11, 14, 15 and 31 August 1989.

392. The Sub-Commission had before it the report of the Secretary-General prepared in accordance with Sub-Commission resolution 1985/2 on the interrelationship between human rights and international peace (E/CN.4/Sub.2/1988/2).

393. At its 9th meeting, on 11 August 1989, the Deputy Director of the Centre for Human Rights introduced the item.

394. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (11th, 12th), Ms. Bautista (12th), Mr. Bhandare (11th, 12th), Mr. van Boven (10th, 11th), Mr. Chernichenko (11th), Mr. Diaconu (11th), Mr. Eide (11th), Mr. Joinet (11th), Mr. Laghmari (11th), Ms. Mbonu (11th), Mr. Tian (11th), Mr. Varela Quirós (11th).

395. Statements were also made by the observer for Bangladesh (11th), Iraq (11th) and Lebanon (11th).

396. The Sub-Commission also heard statements by the following non-governmental organizations: Commission of the Churches on International Affairs (11th), Four Directions Council (11th), International Association of Democratic Lawyers (11th), International Council of Jewish Women (11th), International League for the Rights and Liberation of Peoples (11th) and World Union for Progressive Judaism (11th).

397. Statements equivalent to right of reply were made by the observer for Iran (12th), Iraq (12th), Philippines (12th) and Syrian Arab Republic (11th).

Human rights in times of armed conflict

398. At its 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.14, submitted by Mr. Alfonso Martínez, Ms. Bautista, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Flinterman, Mr. Treat and Mr. Türk.

399. A statement relating to the draft resolution was made by Mr. Diaconu.

400. The draft resolution was adopted without a vote.

401. For the text of the resolution as adopted, see Chapter II, section A, resolution 1989/24.

Interrelationship between human rights and peace

402. At its 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.22, submitted by Mr. Alfonso Martínez.

403. Mr. Türk proposed amending the draft resolution as follows:

(a) replacing the first preambular paragraph by "Taking into account the recommendations contained in Commission on Human Rights resolution 1982/7";

(b) deleting in the second preambular paragraph, first line "also";

(c) deleting operative paragraph 3;

(d) reformulating operative paragraph 7 as follows:

"Invites Mr. Murlidhar Chandrakant Bhandare to prepare, without financial implications, a working paper on the problem of the interrelationship between international peace and the effective materialization of human rights, particularly the right to life and the right to development, for consideration at its forty-second session";

(e) deleting the subsequent part of the draft resolution recommended for adoption by the Commission on Human Rights.

404. Mr. van Boven proposed replacing in Mr. Türk's amendment to operative paragraph 7 "forty-second" by "forty-third".

405. The amendments were accepted by the sponsor.

406. Mr. Joinet proposed adding to the end of operative paragraph 6 "in particular taking into account the greatest desire for transparency, which, in certain regions of the world, is producing very positive effects with respect to disarmament and peace".

407. The Sub-Commission decided to defer consideration of draft resolution E/CN.4/Sub.2/1989/L.22 until draft resolution E/CN.4/Sub.2/1989/L.54 was adopted.

408. At the 40th meeting, on 1 September 1989, the Sub-Commission resumed consideration of E/CN.4/Sub.2/1989/L.22.

409. Ms. Ksentini proposed deleting in Mr. Joinet's amendment "greatest" before "desire" and "very" before "positive". Mr. Joinet accepted this amendment.

410. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mr. Despouy, Mr. Diaconu, Mr. Eide and Mr. Sadi.

411. At the request of Mr. Alfonso Martínez, a vote was taken on Mr. Joinet's amendment, as further amended by Ms. Ksentini. The amendment was accepted by 5 votes to none, with 10 abstentions.

412. The draft resolution, as amended, was adopted without a vote.

413. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/47.

XIV. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

414. The Sub-Commission considered agenda item 13 at its 35th, 39th and 40th meetings, held on 30 August and 1 September 1989.

415. In connection with the consideration of this item, the Sub-Commission had before it the following documents:

First revised text of the Draft Universal Declaration on the Rights of Indigenous Peoples prepared by the Chairman/Rapporteur of the Working Group on Indigenous Populations, Ms. Daes, pursuant to Sub-Commission resolution 1988/18 (E/CN.4/Sub.2/1989/33);

Analytical compilation of observations and comments received pursuant to Sub-Commission resolution 1988/18 (E/CN.4/Sub.2/1989/33/Add.1-3);

Summary of information on Hopi-Navajo Relocation submitted by Ms. Daes pursuant to Sub-Commission decisions 1987/110 and 1988/105 (E/CN.4/Sub.2/1989/35 (Part I));

Report on the relocation of Hopi and Navajo families submitted by Mr. Carey pursuant to Sub-Commission decision 1988/105 (E/CN.4/Sub.2/1989/35 (Part II) and Add.1);

Report of the Working Group on Indigenous Populations on its seventh session (E/CN.4/Sub.2/1989/36);

Note by the Secretary-General, containing information on the Navajo-Hopi Relocation Programme submitted by the Government of the United States of America (E/CN.4/Sub.2/1989/49);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (Roster) (E/CN.4/Sub.2/1989/NGO/8).

416. At the 35th meeting, on 30 August 1989, the Chairman/Rapporteur of the Working Group on Indigenous Populations, Ms. Daes, introduced the report of the Working Group on its seventh session (E/CN.4/Sub.2/1989/36).

417. At the same meeting, Mr. Carey, and Ms. Daes introduced the two parts of their report on the Hopi-Navajo relocation (E/CN.4/Sub.2/1989/35 (Part I) and (Part II) and Add.1).

418. In the general debate on the item, statements were made by the following non-governmental organizations: Four Directions Council (39th), Indian Council of South America (39th), Indian Law Resource Centre (39th), International Indian Treaty Council (39th), International Organization for the Elimination of All Forms of Racial Discrimination (39th), Latin American Federation of Associations of Relatives of Disappeared Detainees (39th), National Aboriginal and Islander Legal Service Secretariat (39th).

Draft universal declaration on indigenous rights

419. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.43 submitted by Mr. Alfonso Martínez, Mr. van Boven, Ms. Daes, Ms. Mbonu, Mr. Tian and Mr. Türk.

420. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1989/L.59) of the draft resolution E/CN.4/Sub.2/1989/L.43.

421. The draft resolution was adopted without a vote.

422. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/34.

Report of the Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States

423. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.44 submitted by Mr. Alfonso Martínez, Mr. van Boven, Ms. Daes, Mr. Tian and Mr. Türk.

424. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1989/L.77) of the draft resolution E/CN.4/Sub.2/1989/L.44.

425. The draft resolution was adopted without a vote.

426. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/35.

Meetings of experts on indigenous self-government

427. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft decision E/CN.4/Sub.2/1989/L.45 submitted by Mr. Alfonso Martínez, Mr. van Boven, Ms. Daes, Ms. Mbonu, Mr. Tian and Mr. Türk.

428. The draft decision was adopted without a vote.

429. For the text of the decision, as adopted, see Chapter II, section B, decision 1989/112.

International year for indigenous rights

430. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.46 submitted by Mr. Alfonso Martínez, Ms. Daes, Ms. Mbonu, Mr. Tian and Mr. Türk.

431. The draft resolution was adopted without a vote.

432. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/36.

The relocation of Hopi and Navajo families

433. On 25 August, a draft resolution E/CN.4/Sub.2/1989/L.40 was submitted by Mr. Treat. The draft resolution, which was subsequently withdrawn, read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its decision 1988/105 of 1 September 1988 to invite Ms. Erica-Irene A. Daes and Mr. John Carey to prepare a summary of information available to them, inter alia, on the basis of its decision 1987/110 of 4 September 1987, regarding the relocation of Hopi and Navajo families,

Recognizing that responsible points of view on the subject differ between and within the Hopi Tribe and Navajo Nation,

Appreciating the efforts of the Hopi Tribe and Navajo Nation and their members to reconcile differing points of view,

Believing that outsiders should not interfere with these efforts,

1. Expresses its appreciation for the report submitted by Ms. Erica-Irene A. Daes and Mr. John Carey in response to Sub-Commission decision 1988/105 (E/CN.4/Sub.2/1989/35, Parts I and II);

2. Decides to refrain from taking sides between the Hopi Tribe and Navajo Nation or among points of view within either tribe."

434. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.47/Rev.1 submitted by Mr. Alfonso Martínez, Ms. Daes, Mr. Tian and Mr. Türk.

435. The draft resolution was adopted without a vote.

436. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/37.

Study on treaties, agreements and other constructive arrangements between States and indigenous populations

437. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.49 submitted by Mr. Alfonso Martínez, Ms. Daes, Ms. Mbonu, Mr. Shao and Mr. Türk.

438. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1989/L.65) of the draft resolution E/CN.4/Sub.2/1989/L.49.

439. The draft resolution was adopted without a vote.

440. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/38.

XV. SLAVERY AND SLAVERY-LIKE PRACTICES

A. Question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism

B. Exploitation of child labour

441. The Sub-Commission considered agenda item 14 at its 35th, 39th and 40th meeting, held on 30 August and 1 September 1989.

442. The Sub-Commission had before it the following documents in connection with the consideration of the item:

Study on ways and means for establishing an effective mechanism for the implementation of the Slavery Conventions, prepared by the Secretary-General pursuant to Commission on Human Rights resolution 1989/35 (E/CN.4/Sub.2/1989/37);

Note by the Secretary-General on sale of children (E/CN.4/Sub.2/1989/38);

Report of the Working Group on its fourteenth session (E/CN.4/Sub.2/1989/39).

443. At the 35th meeting, on 30 August 1989, the Chairman/Rapporteur of the Working Group on Contemporary Forms of Slavery, Mr. Eide, introduced the report of the Working Group (E/CN.4/Sub.2/1989/39).

444. In the general debate, statements were made by Mr. Diaconu (40th), Mr. Eide (40th), Ms. Ksentini (40th) and Mr. Sadi (40th).

445. The Sub-Commission heard statements by the observer for Ghana (39th) and Venezuela (39th).

446. Statements were also made by the following non-governmental organizations: International Commission of Health Professionals for Health and Human Rights (39th), International Movement ATD Fourth World (39th) and Defense for Children International Movement (39th).

447. Statements equivalent to a right of reply were made by the observer for India (40th) and Turkey (40th).

Congratulations to the Anti-Slavery Society

448. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.60 submitted by Ms. Bautista, Mr. Diaconu, Mr. Eide, Ms. Ksentini and Mr. Varela Quirós. Ms. Daes subsequently joined the sponsors.

449. The draft resolution was adopted without a vote.

450. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/40.

Report of the Working Group on Contemporary Forms of Slavery

451. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.62 submitted by Ms. Bautista, Mr. Diaconu, Mr. Eide, Ms. Ksentini and Mr. Varela Quirós. Ms. Daes subsequently joined the sponsors.

452. Mr. Eide, on behalf of the sponsors, orally revised the draft resolution as follows:

(a) Deleting the title "Militarization of children";

(b) Replacing the second preambular paragraph by:

"Taking note of the debate that took place during the fourteenth session of the Working Group on Contemporary Forms of Slavery and the forty-first session of the Sub-Commission regarding articles 21 and 38 of the Draft Convention";

(c) Deleting the fifth preambular paragraph;

(d) Replacing the second operative paragraph by:

"Expresses concern that the present formulation of article 21 of the Draft Convention is open to differing interpretations and should be subjected to a technical revision to preclude that adoption be used as a source of profit of any kind in favour of any party";

(e) Revising the third operative paragraph to read as follows:

"Recognizes that in connection with article 38 no efforts should be spared to prevent the militarization of children."

453. Mr. Treat proposed amending preambular paragraph 1 by adding, after "Welcoming the", the words "adoption of the" and after "child" the words "by the Commission on Human Rights in resolution 1989/57".

454. After a debate, in which Ms. Ksentini and Mr. Laghmari took the floor, Mr. Treat withdrew his amendment.

455. Mr. Sadi proposed amending operative paragraph 1, second line, by including after "entities" the word "solicit". This amendment was accepted by the sponsors.

456. Statements relating to the draft resolution were made by Ms. Daes, Mr. Eide, Ms. Ksentini, Mr. Laghmari, Mr. Sadi and Mr. Treat.

457. The draft resolution, as amended, was adopted without a vote.

458. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/41.

Sale of children

459. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.63 submitted by Ms. Bautista, Mr. Diaconu, Mr. Eide, Ms. Ksentini and Mr. Varela Quirós.

460. Statements relating to the draft resolution were made by Mr. Despouy, Mr. Diaconu, Mr. Eide, Ms. Ksentini, Mr. Laghmari, Ms. Mbonu and Mr. Sadi.

461. The draft resolution was adopted without a vote.

462. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/42.

Programme of action for prevention of sale of children, child prostitution and child pornography

463. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.64 submitted by Ms. Bautista, Mr. Diaconu, Mr. Eide, Ms. Ksentini and Mr. Varela Quirós.

464. A statement relating to the draft resolution was made by Ms. Palley.

465. The draft resolution was adopted without a vote.

466. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/43.

XVI. PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

A. Status of the individual and contemporary international law

B. Prevention of discrimination and protection of children: human rights and youth

C. Prevention of discrimination and protection of women

D. Protection of minorities

467. The Sub-Commission considered agenda item 15 at its 34th, 35th and 38th to 40th meetings, held on 30, 31 August and 1 September 1989.

468. The Sub-Commission had before it the following documents in connection with the consideration of the item:

Study prepared by the Special Rapporteur, Ms. Daes, on the status of the individual and contemporary international law (E/CN.4/Sub.2/1989/40 and E/CN.4/Sub.2/1988/33 and Add.1);

Report prepared by the Special Rapporteur, Mr. Mazilu, on human rights and youth (E/CN.4/Sub.2/1989/41 and Add.1);

Working paper, prepared by Ms. Palley, on possible ways and means to facilitate the peaceful and constructive solution of situations involving racial, national, religious and linguistic minorities (E/CN.4/Sub.2/1989/43);

Letter dated 6 July 1989 from the Permanent Representative of Turkey addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1989/46);

Note verbale dated 15 August 1989 from the Permanent Mission of the Socialist Republic of Romania to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/Sub.2/1989/53);

Report of the Working Group of the Commission on Human Rights on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities (E/CN.4/1989/38);

Note by the Secretary-General pursuant to paragraph 2 of resolution 1988/37 of the Sub-Commission on the role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service (E/CN.4/1989/69);

Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1985/19 (E/CN.4/Sub.2/1987/30 and Add.1);

Written statement submitted by the International Federation Terre des Hommes and Defence for Children International Movement, non-governmental organizations in consultative status (Category II and Roster) (E/CN.4/Sub.2/1989/NGO/1);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (Category II) (E/CN.4/Sub.2/1989/NGO/6).

469. At the 34th meeting, on 30 August 1989, the Under-Secretary-General for Human Rights introduced the item. At the same meeting, Ms. Daes introduced her study contained in document E/CN.4/Sub.2/1989/40 and, also at the same meeting, Ms. Palley presented her working paper contained in document E/CN.4/Sub.2/1989/43.

470. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (35th), Ms. Bautista (35th), Mr. Bhandare (35th), Mr. van Boven (35th), Mr. Carey (35th), Mr. Chernichenko (35th), Ms. Daes (39th), Mr. Despouy (35th), Mr. Diaconu (35th, 39th), Mr. Eide (35th), Mr. Fix Zamudio (35th), Mr. Hatano (35th), Mr. Joinet (35th), Ms. Ksentini (39th), Ms. Palley (35th), Mr. Sadi (35th), Mr. Tian (35th), Mr. Türk (34th), Mr. Varela Quirós (34th) and Ms. Warzazi (34th).

471. Statements were also made by the observer for Hungary (39th), Romania (39th), United States of America (39th), and Democratic People's Republic of Korea (39th).

472. Statements were made by a representative of the Secretariat (35th).

473. Statements were also made by the following non-governmental organizations: Bahá'i International Community (35th), Defence for Children International Movement (39th), Four Directions Council (39th), International Commission of Health Professionals for Health and Human Rights (39th), International Commission of Jurists (38th), International Movement for Fraternal Union Among Races and Peoples (38th), Latin American Federation of Associations of Relatives of Disappeared Detainees (39th) and Minority Rights Group (39th).

474. Statements equivalent to right of reply were made by the observer for the Democratic People's Republic of Korea (39th) and the Republic of Korea (39th).

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

475. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.53 submitted by Ms. Bautista, Mr. Bhandare, Mr. van Boven, Mr. Carey, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Fix Zamudio, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalifa, Ms. Mbonu, Ms. Palley, Mr. Suescún, Mr. Türk and Mr. Varela Quirós,

476. Mr. Diaconu proposed amending the preamble of the draft resolution as follows:

(a) adding a new preambular paragraph after the second one reading "Recalling its resolution 1988/36 of 1 September 1988";

(b) adding in the sixth preambular paragraph, third line, after "minorities" the phrase "and for the peaceful and constructive solution of problems concerning them".

477. The amendments were accepted by the sponsors.

478. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mr. van Boven, Ms. Daes, Mr. Diaconu, Mr. Laghmari and Ms. Palley.

479. The draft resolution, as amended, was adopted without a vote.

480. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/44.

Human rights and youth

481. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.57 submitted by Mr. Diaconu.

482. Referring to rule 65 (1) of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. van Boven proposed that a vote should firstly be taken on draft resolution E/CN.4/Sub.2/1989/L.58.

483. The proposal was opposed by Mr. Alfonso Martínez and Mr. Diaconu.

484. An explanation of vote before the vote was made by Mr. Despouy.

485. The proposal was adopted by 8 votes to 5, with 5 abstentions.

486. At the same meeting, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.58 submitted by Mr. van Boven, Ms. Daes, Mr. Eide, Mr. Fix Zamudio, Mr. Hatano, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley, Mr. Treat and Mr. Varela Quirós.

487. Mr. Diaconu proposed amending the draft resolution as follows:

(a) Inserting, after the sixth preambular paragraph, a new paragraph reading:

"Noting that some experts expressed divergent opinions concerning the contents and the form of this document";

(b) Inserting, after the tenth preambular paragraph, a new paragraph reading:

"Reaffirming the need to observe the guidelines and practices of the Sub-Commission concerning the contents and the structure of thematic reports";

488. Mr. Joinet proposed to amend further Mr. Diaconu's second amendment by adding at its end: "particularly the impossibility of discussing them in the absence of the Special Rapporteurs".

489. Mr. Sadi proposed amending Mr. Joinet's amendment by replacing "impossibility" by "inappropriateness". Mr. Joinet accepted this amendment.

490. Mr. Alfonso Martínez proposed amending the first operative paragraph by replacing "update" by "revised" and inserting "the" before "light".

491. Ms. Palley proposed amending the draft resolution by adding a new operative paragraph after the second one reading:

> "Decides to invite Mr. Mazilu now to present his updated report in person to the Sub-Commission, at its forty-second session."

492. Mr. van Boven proposed amending operative paragraph 4 by replacing, in the 7th line, "an interim report" by "through the Secretary-General a note".

493. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Diaconu, Mr. Joinet, Mr. Laghmari, Ms. Mbonu and Ms. Palley.

494. According to rule 50 of the rules of procedure, Mr. Despouy moved the closure of the debate on draft resolution E/CN.4/Sub.2/1989/L.58.

495. Mr. Alfonso Martínez opposed the motion.

496. The motion was accepted by 14 votes to 3, with 1 abstention.

497. A vote was taken on Mr. Joinet's amendment, as amended by Mr. Sadi, on Mr. Diaconu's second amendment. The amendment was adopted by 9 votes to 3, with 5 abstentions.

498. A vote was taken on Mr. Diaconu's second amendment, as amended. The amendment was adopted by 7 votes to 5, with 5 abstentions.

499. A vote was taken on Mr. Diaconu's first amendment. The amendment was rejected by 8 votes to 6, with 3 abstentions.

500. A vote was taken on Mr. Alfonso Martínez' amendment. The amendment was rejected by 11 votes to 5.

501. A vote was taken on Ms. Palley's amendment, which was adopted by 11 votes to 3, with 2 abstentions.

502. At the request of Mr. Chernichenko, a separate vote was taken on the words "with appreciation" in the first line of the sixth preambular paragraph. The words were deleted by 7 votes to 6, with 4 abstentions.

503. At the request of Mr. Chernichenko, a separate vote was taken on operative paragraph 4. The paragraph was retained by 11 votes to 4, with 2 abstentions.

504. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1989/L.75) of draft resolution E/CN.4/Sub.2/1989/L.58.

505. An explanation of vote before the vote was made by Mr. Diaconu.

506. A vote was taken on the draft resolution, as a whole and as amended, which was adopted by 12 votes to 4, with 2 abstentions.

507. Explanations of vote after the vote were made by Mr. Despouy and Mr. Joinet.

508. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/45.

509. At the same meeting, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1989/L.57.

510. Ms. Daes proposed amending the draft resolution as follows:

(a) deleting in the second preambular paragraph, the last three lines of that paragraph after the parentheses in the second line;

(b) deleting, in the first operative paragraph, first line, "not", in the second line replacing "that" by "which" and, in the third line, deleting the phrase "and that it is therefore inadmissible";

(c) replacing the third operative paragraph by the following text:

> "Decides that the document will be circulated as a United Nations document, since under the conditions it was prepared, meet the relevant guidelines provided by the relevant resolutions of the United Nations."

511. Referring to rule 65 (2) of the rules of procedure, Mr. Despouy moved to take no action on draft resolution E/CN.4/Sub.2/1989/L.57.

512. At the request of Mr. Alfonso Martínez, a roll-call vote was taken on the motion made by Mr. Despouy. The motion was adopted by 11 votes to 4, with 1 abstention. The voting was as follows:

In favour: Ms. Bautista, Mr. van Boven, Mr. Carey, Ms. Daes, Mr. Fix Zamudio, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Joinet, Ms. Palley and Mr. Türk.

Against: Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Diaconu and Mr. Tian.

Abstaining: Mr. Ilkahanaf.

513. The text of the draft resolution E/CN.4/Sub.2/1989/L.57 was as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities

Recalling its resolution 1985/12 of 29 August 1985 entitled 'Human rights and youth',

Bearing in mind the fact that the former Sub-Commission member, Mr. Dimitru Mazilu, submitted a document (E/CN.4/Sub.2/1989/41 and Add.1) which clearly shows that his obvious intention is to use his mission as Special Rapporteur for personal political purposes in relation with the authorities of his country, contrary to the mandate entrusted to him,

1. Considers that the document submitted by Mr. Mazilu does not meet the criteria of impartiality and objectivity that should govern the fulfilment by Special Rapporteurs of the task entrusted to them and that it is therefore inadmissible;

2. Considers also that the document does not correspond to the guidelines and practice of the Sub-Commission with regard to the content and structure of reports on particular topics;

3. Decides that the document will be withdrawn from circulation as a United Nations document, since it is likely, because of the way in which it was prepared, to undermine the authority and prestige of the United Nations;

4. Decides to consider, at the forty-second session, the question of the preparation of the report on the topic of 'Human rights and youth' with a view to adopting the appropriate decision."

The status of the individual and contemporary international law

514. At the 40th meeting, on 1 September 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.73, submitted by Mr. Despouy, Mr. Eide, Mr. Türk, Mr. Varela Quirós and Ms. Warzazi.

515. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1989/L.74) of draft resolution E/CN.4/Sub.2/1989/L.73.

516. The draft resolution was adopted without a vote.

517. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/46.

XVII. RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY

518. The Sub-Commission considered agenda item 16 at its 24th, 25th, 26th and 38th meetings, held on 23, 24 and 31 August 1989.

519. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1988/39 (E/CN.4/Sub.2/1989/44 and Add.1-7);

Working paper prepared by Mr. Diaconu (E/CN.4/Sub.2/1989/54);

Final report prepared by the Special Rapporteur, Mr. Mubanga-Chipoya, (E/CN.4/Sub.2/1989/35 and Add.1 and Add.1/Corr.1);

Written statement by the International Federation of Human Rights, a non-governmental organization in consultative status (Category II) (E/CN.4/Sub.2/1989/NGO/4);

Written statement by Human Rights Advocates, a non-governmental organization in consultative status (Category II) (E/CN.4/Sub.2/1989/NGO/10).

520. At the 24th meeting, on 23 August 1989, the Under-Secretary-General for Human Rights introduced the item. At the 25th meeting, on the same day, Mr. Diaconu introduced his working paper.

521. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (25th, 26th), Mr. Bhandare (25th), Mr. Carey (25th), Mr. Chernichenko (25th), Ms. Daes (25th, 26th), Mr. Despouy (26th), Mr. Eide (25th, 26th), Mr. Joinet (25th), Ms. Ksentini (25th), Mr. Sadi (25th, 26th), Mr. Suescún (25th), Mr. Türk (25th) and Mr. Varela Quirós (25th).

522. The Sub-Commission also heard a statement from the observer for the Office of the United Nations High Commissioner for Refugees (25th).

523. The Sub-Commission heard statements from the following non-governmental organizations: Commission of the Churches on International Affairs (25th), Friends World Committee for Consultation (25th), Human Rights Advocates (25th), International Federation of Human Rights (25th), International League for Human Rights (25th), Movement against Racism and for Friendship Among Peoples (25th) and World Union for Progressive Judaism (25th).

524. At the 26th meeting, on 24 August 1989, the Special Rapporteur, Mr. Mubanga-Chipoya, presented his final observations.

525. At its 38th meeting, on 31 August 1989, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1989/L.30 submitted by Mr. van Boven, Mr. Despouy, Mr. Hatano, Mr. Treat and Mr. Varela Quirós.

526. Statements relating to the draft resolution were made by Mr. van Boven, Ms. Daes and Ms. Ksentini.

527. Ms. Ksentini proposed deleting operative paragraph 3 and amending operative paragraph 4 to read as follows:

> "Decides to establish, at its forty-second session, a working group representing the various regional groups with the view to preparing a revised version of the Draft Declaration on Freedom and Non-Discrimination in Respect of the Right of Everyone to Leave Any Country, including His Own, and to Return to His Country."

528. Mr. Diaconu proposed inserting the words "sessional and open-ended" before the words "working group" in the new operative paragraph 3, as formulated by Ms. Ksentini.

529. The draft resolution, as amended, was adopted without a vote.

530. For the text of the resolution, as adopted, see Chapter II, section A, resolution 1989/25.

XVIII. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-SECOND SESSION OF THE SUB-COMMISSION

531. The Sub-Commission considered agenda item 17 at its 40th meeting, held on 1 September 1989.

532. In connection with the consideration of this item, the Sub-Commission had before it a note prepared by the Secretary-General (E/CN.4/Sub.2/1989/L.1) in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974, containing a draft provisional agenda for the forty-second session of the Sub-Commission and a list of the documents to be submitted under each item and the legislative authority for their preparation.

533. The Sub-Commission recalled its resolution 1985/34, in which the Sub-Commission had decided that the following items would be considered on a biennial basis starting at its thirty-ninth and fortieth sessions respectively:

Thirty-ninth session:

(a) The new international economic order and the promotion of human rights;

(b) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(c) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

Fortieth session:

(d) Human rights and disability;

(e) Human rights and scientific and technological developments;

(f) Encouragement of universal acceptance of human rights instruments.

534. At its 40th meeting, on 1 September 1989, the draft provisional agenda as revised was adopted without a vote.

535. The text, as revised, of the draft provisional agenda for the forty-second session of the Sub-Commission reads as follows:

1. Election of officers

2. Adoption of the agenda

3. Review of the work of the Sub-Commission

   Legislative authority: Sub-Commission resolution 5 (XIV), and decisions 2, (XXXIV), 1989/103 and 1989/104

   Documentation

   Report by the Working Group (decision 1989/104)

   Note by the Secretary-General (decision 1989/103)

4. Review of further developments in fields with which the Sub-Commission has been concerned

Legislative authority: Commission on Human Rights resolution 1989/11, Sub-Commission resolutions 5 (XIV), 1989/11, 1989/12, 1989/13, 1989/14, 1989/16, 1989/17, 1989/24 and decision 1989/108.

Documentation

Reports of the Secretary-General (1989/11, 1989/12, 1989/24)

Report by ILO and UNESCO

Preliminary report by Ms. Warzazi (resolution 1989/16)

Report of Mr. Varela Quirós (1989/17)

Working paper by Mr. van Boven (1989/13)

Preliminary study of Mr. Joinet and Mr. Türk (1989/14)

Working paper by Ms. Ksentini (decision 1989/108)

5. Elimination of racial discrimination

(a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

Legislative authority: General Assembly resolution 3377 (XXX) and Sub-Commission resolution 1989/19

(b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

Legislative authority: General Assembly resolution 43/92, Economic and Social Council resolution 1989/73 and Sub-Commission resolution 1989/18

Documentation

Updated report of Mr. Khalifa

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: Report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

Legislative authority: Sub-Commission resolutions 1989/2, 1989/4, 1989/9 and 1989/10

Documentation

Note by the Secretary-General (1989/4, para. 8)

Note by the Secretary-General (1989/10, para. 5)

Report by Mr. Sadi (1989/2)

7. The new international economic order and the promotion of human rights

Legislative authority: Sub-Commission resolution 1989/1

8. The realization of economic, social and cultural rights

Legislative authority: Economic and Social Council decision 1989/138, Commission on Human Rights resolution 1989/10 and Sub-Commission resolutions 1989/20 and 1989/21

Documentation

Progress report of Mr. Türk (1989/20 and 1989/21)

9. Communications concerning human rights: Report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

Confidential report of the Working Group and supporting papers

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolution 1 (XXIV) and 2 (XXIV)

10. The administration of justice and the human rights of detainees

(a) Question of human rights of persons subjected to any form of detention and imprisonment

Legislative authority: Sub-Commission resolution 1984/7, 1989/26, 1989/30, 1989/31, 1989/32 and decision 1989/110 and 1989/111

Documentation

Reports of the Secretary-General (1984/7, 1989/26, para 8, 1989/32, para. 4)

Report of the Working Group

Working paper by Mr. Alfonso Martínez (decision 1989/110)

Report of Ms. Bautista (1989/30 and 1989/31)

Revised report of Mr. Joinet (decision 1989/111)

(b) Question of human rights and states of emergency

Legislative authority: Sub-Commission resolutions 1985/32 and 1989/28

Documentation

Report by Mr. Despouy

(c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

Legislative authority: Commission on Human Rights resolution 26 (XXXVI)

(d) The right to a fair trial

Legislative authority: Sub-Commission resolution 1989/27

Documentation

Report by Mr. Chernichenko and Mr. Treat.

11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

Legislative authority: Commission on Human Rights resolution 1989/32 and Sub-Commission resolution 1989/22

Documentation

Working paper by Mr. Joinet

12. Human rights and disability

Legislative authority: Economic and Social Council resolution 1984/26 and Sub-Commission resolution 1988/8

Documentation

Final report of Mr. Despouy

13. Human rights and scientific and technological developments

Legislative authority: Sub-Commission resolution 1985/34

14. Encouragement of universal acceptance of human rights instruments

Legislative authority: Sub-Commission resolution 1988/30

Documentation

Report of the Secretary-General (1988/30, para. 6)

Report by one member of the Sub-Commission (1988/30, para. 7)

15. Discrimination against indigenous peoples

Legislative authority: Economic and Social Council resolutions 1982/34 and 1989/77 and Sub-Commission resolutions 1989/34, 1989/36, 1989/38

Documentation

Reports of the Secretary-General (Economic and Social Council resolution 1982/34)

Report of the Working Group on its eighth session

Report of Ms. Daes (1989/34)

Preliminary report of Mr. Alfonso Martínez (1989/38)

Working paper by Mr. Eide and Ms. Mbonu (1989/36)

16. Contemporary forms of slavery

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI) and Sub-Commission resolutions 1989/41 and 1989/43

Documentation

Reports of the Secretary-General (Economic and Social Council decisions 16 and 17 (LVI), Sub-Commission resolution 1989/41, para. 5, and 1989/43, para. 2)

Report of the Working Group on its fifteenth session

17. Promotion, protection and restoration of human rights at national, regional and international levels

(a) Prevention of discrimination and protection of children: human rights and youth

Legislative authority: Sub-Commission resolution 1985/12 and 1989/45

Documentation

Updated report of Mr. Mazilu

(b) Prevention of discrimination and protection of women

18. Protection of minorities

Legislative authority: Sub-Commission resolution 1989/44

Documentation

Progress report of Mr. Eide

19. The right of everyone to leave any country, including his own, and to return to his country

Legislative authority: Commission on Human Rights resolution 1989/39 and Sub-Commission resolution 1989/25

Documentation

Report of the sessional Working Group

20. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-third session of the Sub-Commission

Draft provisional agenda for the forty-third session

Note by the Secretary-General (Economic and Social Council resolution 1984 (LVII)

21. Adoption of the report on the forty-second session

Report of the Sub-Commission on its forty-second session.

XIX. ADOPTION OF THE REPORT ON THE FORTY-FIRST SESSION

536. At the 40th meeting, on 1 September 1989, the Sub-Commission considered the draft report on the work of its forty-first session.

537. The draft report, as amended, was adopted, as a whole, without a vote.

ANNEXES

Annex I

MEMBERS AND ALTERNATES

Mr. Yawo Agbohibor	(Togo)
*Mr. Abdou Assouma	
Mr. Awn Shawkat Al-Khasawneh	(Jordan)
*Mr. Waleed M. Sadi	
Mr. Miguel Alfonso Martínez	(Cuba)
*Mr. Julio H. Pérez	
Ms. Judith Sefi Attah	(Nigeria)
*Mrs. Christy Ezim Mbonu	
Ms. Mary Concepción Bautista	(Philippines)
*Ms. Haydee B. Yorac	
Mr. Murlidhar Chandrakant Bhandare	(India)
Mr. Theodoor Cornelis van Boven	(Netherlands)
*Mr. Cornelis Flinterman	
Mr. Stanislav Valentinovich Chernichenko	(Union of Soviet Socialist Republics)
*Mr. Teimuraz O. Ramishvili	
Ms. Erica-Irene A. Daes	(Greece)
Mr. Leandro Despouy	(Argentina)
*Mrs. María Teresa Flores	
Mr. Ion Diaconu	(Romania)
*Mr. Ioan Maxim	
Mr. Asbjorn Eide	(Norway)
*Mr. Jan Helgessen	
Mr. Ribot Hatano	(Japan)
*Mr. Yozo Yokota	
Mr. Aidid Abdillahi Ilkahanaf	(Somalia)
*Mr. Mohamed Isa Turunji	
Mr. Tian Jin	(China)
*Mr. Shao Jin	
Mr. Louis Joinet	(France)
*Mr. Alain Pellet	

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* Alternate

Mr. Ahmed Khalifa	(Egypt)
Ms. Fatma Zohra Ksentini *Mr. Boudjemâa Delmi	(Algeria)
Ms. Claire Palley	(United Kingdom of Great Britain and Northern Ireland)
Mr. Rafael Rivas Posada *Mr. Eduardo Suescún Monroy	(Colombia)
Mr. Alejandro Sobarzo Loaiza *Mr. Héctor Fix Zamudio	(Mexico)
Mr. William W. Treat *Mr. John Carey	(United States of America)
Mr. Danilo Türk *Ms. Lidija R. Basta	(Yugoslavia)
Mr. Luis Varela Quirós *Mr. Jorge Rhenan Segura	(Costa Rica)
Ms. Halima Embarek Warzazi *Mr. Mohamed Laghmari	(Morocco)
Mr. Fisseha Yimer	(Ethiopia)

State Members of the United Nations represented by Observers

Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burundi, Canada, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, German Demoractic Republic, Germany, Federal Republic of, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Morocco, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Senegal, Singapore, Somalia, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Tunisia, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire and Zimbabwe.

Non-Member States represented by observers

Democratic People's Republic of Korea, Holy See, Republic of Korea, Switzerland.

United Nations bodies

United Nations Centre for Human Settlements (HABITAT), United Nations Centre for Social Development and Humanitarian Affairs, Office of the United Nations High Commissioner for Refugees.

Specialized agencies

International Labour Organisation, World Health Organization.

Intergovernmental organizations

Commission of the European Communities, Intergovernmental Committee for Migration, League of Arab States.

Liberation movements

African National Congress, Palestine, Pan Africanist Congress of Azania.

Non-governmental organizations in consultative status

Category I

International Confederation of Free Trade Unions, International Council of Women, Inter-Parliamentary Union, League of Red Cross and Red Crescent Societies, Soroptomist International, Women's International Democratic Federation, World Confederation of Labour, World Federation of Democratic Youth, World Federation of Trade Unions, World Federation of United Nations Associations, Zonta International.

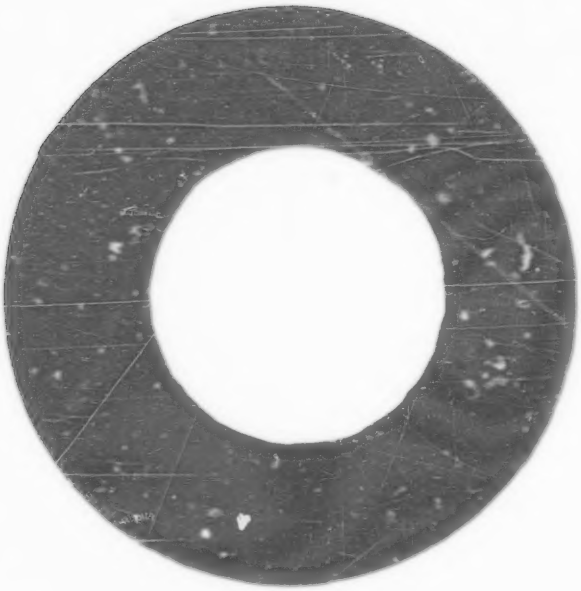
Category II

All India Women's Conference, Amnesty International, Anti-Slavery Society for the Protection of Human Rights, Arab Organization for Human Rights, Baha'i International Community, Caritas Internationalis, Commission of the Churches on International Affairs, Coordinating Board of Jewish Organizations, Consultative Council of Jewish Organizations, Disabled Peoples' International, Four Directions Council, Friends World Committee for Consultation, Human Rights Advocates, Human Rights Internet, Indigenous World Association, International Abolitionist Federation, International Association against Torture, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Educators for World Peace, International Association of Penal Law, International Bar Association, International Catholic Child Bureau, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Commission of Health Professionals for Health and Human Rights, International Commission of Jurists, International Committee of the Red Cross, International Council for Adult Education, International Council of Environmental Law, International Council on Jewish Social and Welfare Services, International Council of Jewish Women, International Federation of Human Rights, International Federation of Women Lawyers, International Federation Terre des Hommes, International Fellowship of Reconciliation, International Human Rights Law Group, International Indian Treaty Council, International Law Association, International League for Human Rights, International Movement A.T.D. Fourth World, International Movement for Fraternal Union among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Work Group for Indigenous Affairs, Latin American Federation of Associations of Relatives of Disappeared Detainees, Medical Women's International Association, National Aboriginal and Islander Legal Services Secretariat, Pax Christi, Pax Romana,

Service Justice and Peace in Latin America, Union of Arab Jurists, Women's International League for Peace and Freedom, World Association of Former United Nations Interns and Fellows, World Association for World Federation, World Federation for Mental Health, World Jewish Congress, World Students Christian Federation, World University Service.

Roster

Asian Cultural Forum on Development, Association Lucis Trust, Centre Europe - Tiers Monde, Defense for Children International Movement, Friends of the Earth, Grand Council of the Crees, Habitat International Coalition, Indian Council of South America, Indian Law Resource Centre, International Federation of Action of Christians for the Abolition of Torture, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Human Rights Internship Programme, International Humanist and Ethical Union, International Human Rights Internship Programme, International Federation of Rural Adult Catholic Movements, International League for the Rights and Liberation of Peoples, Liberation, Minority Rights Group, Movement Against Racism and for Friendship among Peoples, Procedural Aspects of International Law Institute, Regional Council on Human Rights in Asia, Romani Union, Survival International, War Amputations of Canada, World Association for the School as an Instrument of Peace, World Peace Council, World Union for Progressive Judaism.



Annex II

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-FIRST SESSION

1. In the course of its forty-first session the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted 14 resolutions having financial implications. Prior to the adoption of these resolutions statements of their administrative and programme budget implications were submitted on behalf of the Secretary-General, in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council. These statements are reproduced below and relate to the following resolutions:

Resolution 1989/11
Resolution 1989/13
Resolution 1989/14
Resolution 1989/16
Resolution 1989/17
Resolution 1989/18
Resolution 1989/19
Resolution 1989/20
Resolution 1989/28
Resolution 1989/34
Resolution 1989/35
Resolution 1989/38
Resolution 1989/45
Resolution 1989/46

2. Should the action taken by the Commission on Human Rights and the Economic and Social Council in respect of the above-mentioned resolutions of the Sub-Commission require the Secretary-General to enter into commitments during 1990 and 1991, additional credits, as appropriate may be required for the biennia 1990-1991 and 1992-1993.

1989/11. Human rights monitoring mechanisms established within the United Nations framework

A. Requests contained in the draft resolution

1. By operative paragraph 1 of the draft resolution to be adopted by the Economic and Social Council the Sub-Commission emphasized the need to enhance the effectiveness of, and co-ordination between the human rights monitoring mechanisms established within the United Nations framework, and to increase their impartial contribution to the promotion and protection of human rights in all parts of the world, and to constantly improve their relevant procedures.

2. In operative paragraph 2, the Sub-Commission requested the Secretary-General to consider convening not later than 1991 an international meeting of eminent experts on issues related to the international monitoring in the field of human rights and to inform the Secretary-General of his plans concerning this meeting.

B. Relationship of proposed request to the programme of work

3. The activities referred to above would fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the strategy for which is described in paragraph 6.40 of the medium-term plan for the period 1984-1989, as extended through to 1991. The activities are particularly relevant to section 23, Human Rights, of the programme budget for 1990-1991 programme element 4.1, "Standard setting".

C. Activities by which the proposed request would be implemented

4. It is assumed that the meeting would be held in Geneva in 1991 over a period of five working days and be attended by the Chairmen of the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities as well as other human rights treaty-based bodies serviced by the Centre for Human Rights. In addition, an estimated number of 20 special rapporteurs and eminent experts in the field of human rights would be invited to participate.

D. Modifications required in the approved programme of work

5. A new output would have to be added to the text of section 23 of the programme budget for the biennium 1990-1991 as follows:

Subprogramme 4 - Standard setting, research and studies

Programme element 4.1 - Standard setting

Output (x) Substantive servicing of an international meeting of experts on issues related to international monitoring in the field of human rights.

E. Additional requirements at full cost

	1991 (US dollars)
Travel and subsistence of an estimated number of 25 participants (calculated on an average cost basis)	50 000

6. The relevant costs to be financed under section 23, Human Rights, are estimated at $50,000 for 1991.

7. Conference servicing costs to be financed under section 29 B (Conference Services Division, Geneva), are estimated at $113,000 for 1991.

1989/13. Compensation for victims of gross violations of human rights

A. Requests contained in the draft resolution

1. By operative paragraph 1 of the draft resolution to be adopted by the Economic and Social Council, the Sub-Commission would authorize the Sub-Commission to entrust Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, taking into account, inter alia, relevant existing international human rights norms on compensation and judgements by course, decisions and views of international human rights organs and bodies, with a view to exploring the possibility of developing basic principles and guidelines in this respect.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II Centre for Human Rights, subprogramme 4, "Standard setting, research and studies" the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989, as extended through to 1991.

3. The activities are relevant to Section 23 (Human rights) of the programme budget for the biennium 1990-1991, subprogramme 4, programme element 4.2, intermediate output which calls for assistance to special rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs.

C. Activities by which the proposed request would be implemented

4. It is envisaged that the Special Rapporteur would travel to Geneva for a period of five working days in May/June 1990 for consultations at the Centre.

D. Modifications required in the approved programme of work

5. No modifications in the programme of work would be required.

E. Additional requirements at full cost

	1990 (US dollars)
One round-trip to Geneva for consultations at the Centre for Human Rights (5 working days)	1 200

6. The relevant costs under Section 23 (Human Rights) are estimated at $1,200 for 1990.

1989/14. Right to freedom of opinion and expression

A. Request contained in the draft resolution

1. By operative paragraph 1 of the draft resolution to be adopted by the Economic and Social Council, the Sub-Commission entrusted Mr. Louis Joinet and Mr. Danilo Türk, members of the Sub-Commission, with the preparation of a study on the right to freedom of opinion and expression, the current problems of its realization and on measures necessary for its strengthening and promotion.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II, Centre for Human Rights, subprogramme 2 "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", the strategy for which is described in paragraph 6.27 of the medium-term plan for the period 1984-1989, as extended through 1991.

3. The activities are particularly relevant to Section 23, Human Rights, of the proposed programme budget for the biennium 1990-1991, programme.

C. Activities by which the proposed request would be implemented

4. It is envisaged that the two experts would travel to Geneva in 1990 for a period of five working days for consultations with the Centre for Human Rights.

D. Modifications required in the approved programme of work

5. A new output would have to be added to the text of Section 23, Human Rights, of the proposed programme budget for the biennium 1990-1991.

E. Additional requirements at full cost

6. The estimated costs of the above programme of work are itemized as follows:

	1990 (US dollars)
One round-trip to Geneva of the two experts for consultation at the Centre for Human Rights (5 working days)	
Travel and subsistence	2 700
General temporary assistance	
Three work months at the P-3 level	20 600
	23 300

7. The relevant costs to be financed under Section 23, Human Rights, are estimated at $23,300 for 1990.

1989/16. Traditional practices affecting the health of women and children

A. Requests contained in the draft resolution

1. By paragraphs 2 (a), (b), (c), (d) and (e) of the draft decision to be adopted by Economic and Social Council, the Sub-Commission recommended that the mandate of the Special Rapporteur be extended for two years so that she is able to present a more complete report; that field missions be undertaken by Ms. Warzazi if possible to countries where harmful traditional practices are prevalent; international regional seminars be held on the subject of harmful traditional practices in Africa and Asia; all efforts be made by the Centre for Human Rights to provide necessary assistance, including a full-time professional assistant, to liaise with Governments, United Nations agencies and commissions, non-governmental organizations and other concerned institutions, with special emphasis on data-gathering from the many sources currently working to eliminate harmful traditional practices but which do not appear in the current report and; that the subject of traditional practices be on the agenda of the Sub-Commission for sustained follow-up.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II Centre for Human Rights, subprogramme 4, "Standard setting, research and studies" the objectives of which are described in paragraph 6.38 of the medium term plan for the period 1984-1989, as extended through to 1991.

3. The activities are relevant to Section 23 (Human Rights) of the programme budget for the biennium 1990-1991, subprogramme 4, programme element 4.2, intermediate output which calls for assistance to special rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs.

C. Activities by which the proposed request would be implemented

4. It is envisaged that the Special Rapporteur would travel to Geneva for a period of five working days in May/June 1990 to hold consultations at the Centre and to organize and plan her work in relation to her mandate. It is further envisaged that the Special Rapporteur would undertake at least two field missions, one in 1990 and one in 1991. Consideration would be given to organizing international regional seminars, under the Centre's programme of advisory services in the field of human rights, on the subject of harmful traditional practices in Africa and Asia.

5. Twenty-four work-months of temporary assistance at the P-3 level will be required to assist the Special Rapporteur and to liaise with Governments, United Nations agencies and commissions, non-governmental organizations and other concerned institutions, with special emphasis on data gathering.

D. Modifications required in the approved programme of work

6. No modifications in the programme of work would be required.

E. Additional requirements at full cost

7. The estimated costs of the above programme are itemized as follows:

	1990	1991
	(US dollars)	
One round-trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights, May/June 1990 (5 working days)	1 800	
Two field missions of the Special Rapporteur accompanied by two staff members from the Centre (calculated on a notional basis for a period of five working days each)		
Travel and subsistence of the Special Rapporteur	2 500	2 500
Travel and subsistence of substantive staff	4 600	4 600
General temporary assistance		
24 work-months at the P-3 level	82 500	82 500
	91 400	89 600

8. The relevant costs to be financed under Section 23, Human Rights, are estimated at $91,400 for 1990 and $89,600 for 1991.

9. The relevant costs for the organization of the proposed regional seminars would have to be absorbed under Section 24 (Regular programme of technical co-operation).

10. Should the services of an interpreter be required during the field missions, salary, travel and subsistence costs are estimated at $5,000 for each mission to be financed under Section 29 B (Conference Services Division, Geneva).

1989/17. Discrimination against HIV-infected people or people with AIDS

A. Request contained in the draft resolution

1. By the draft decision to be recommended by the Commission on Human Rights to the Economic and Social Council for adoption, the Council would authorize that Mr. Luis A. Varela-Quirós be entrusted with the task of preparing a study on problems of discrimination against HIV-infected people and people suffering from AIDS.

B. Relationship of the proposed request to the programme of work

2. The activities proposed in the draft decision would fall under chapter 6, II, Centre for Human Rights, subprogramme 2, "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", the strategy for which is described in paragraph 6.27 of the medium-term plan for the period 1984-1989 as extended through 1991.

3. The activities are particularly relevant to Section 23, Human Rights, of the proposed programme budget for the biennium 1990-1991, programme element 2.1.

C. Activities by which the proposed request would be implemented

4. It is envisaged that in order to carry out this mandate, the Special Rapporteur would travel to Geneva in May 1990 for a period of five working days to hold consultations at the Centre for Human Rights and to organize and plan his work in relation to his mandate. In order to respond to invitations from Governments, the Special Rapporteur accompanied by two staff members from the Centre would also undertake a field trip during 1990.

D. Modifications required in the approved programme of work

5. A new output would have to be added to the text of Section 23, Human Rights, of the proposed programme budget for the biennium 1990-1991.

E. Additional requirements at full cost

6. The estimated costs of the above programme of work are itemized as follows:

	1990 (US dollars)
One round-trip to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights (5 working days)	
Travel and subsistence	3 600
General temporary assistance	
Three work-months at the P-3 level	20 600
	24 200

7. The relevant costs to be financed under Section 23, Human Rights, are estimated at $24,200 for 1990.

8. Should the services of an interpreter be required during the field mission, salary, travel and subsistence costs are estimated at $4,500, to be financed under Section 29 B (Conference Services Division, Geneva).

1989/18. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

A. Requests contained in the draft resolution

1. By operative paragraph 3 of the draft resolution to be adopted by the Economic and Social Council, the Special Rapporteur would be invited:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa, giving such details regarding enterprises listed as the Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report through the Sub-Commission to the Commission on Human Rights;

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the draft resolution would fall under Chapter 6, programme: Centre for Human Rights, subprogramme 2 "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", the strategy for which is described in paragraph 6.27 of the medium-term plan for the period 1984-1989, as extended through 1991.

3. The activities are relevant to section 23, Human Rights, of the proposed programme budget for the biennium 1990-1991, subprogramme 2 "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", programme element 2.1, output (xiii), which calls for the preparation of two updated reports containing a list of organizations, banks and transnational corporations giving support to racist régimes in southern Africa (third quarter, 1990 and 1991).

C. Activities by which the proposed request would be implemented

4. It is envisaged that the Special Rapporteur would travel from Cairo to New York for a period of five working days in the early part of 1990 in order to establish direct contacts with the Centre on Transnational Corporations and the Centre against Apartheid. Later in the year, he would travel from Cairo to Geneva for five working days for consultations with the Centre for Human Rights. As requested in paragraph 6 of the draft resolution, two economists would be retained on a consultancy basis for a period of three months. Computer services would also be provided to the Special Rapporteur in order to facilitate the updating of his report. The updated report would be translated and published in Arabic, Chinese, English, French, Russian and Spanish and made available to all interested parties.

D. Modifications required in the approved programme of work

5. No modification in the programme of work for 1990-1991 would be required.

E. Additional requirements at full cost

6. The estimated cost of the above programme of work is itemized as follows:

	1990	1991
	(US dollars)	
Travel and subsistance costs for the Special Rapporteur	5 200	
Consultant economists to assist the Special Rapporteur with analytical work	15 000	15 000
	20 200	15 000

7. The relevant costs to be financed under section 23 (Human Rights) are estimated at $20,200 for 1990 and at $15,000 for 1991.

1989/19. Measures to combat racism and racial discrimination and the role of the Sub-Commission

A. Requests contained in the draft resolution

1. By operative paragraph 3 of the draft resolution to be endorsed by the Commission on Human Rights, the Sub-Commission recommended that the final report of the Special Rapporteur be published and distributed on as wide a scale as possible.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II, Centre for Human Rights, subprogramme 3, "Advisory Services, Technical Assistance in the field of human rights" the objectives for which are described in paragraph 6.29 of the medium-term plan for the period 1984-1989, as extended through 1991.

3. The activities are relevant to Section 23, Human Rights of the proposed programme budget for the biennium 1990-1991, subprogramme 3, programme element 3.1 "Documentation and publications", output (vi) which calls for 12 issues of "Selected Human Rights Studies".

C. Activities by which the proposed request would be implemented

4. The study of the Special Rapporteur would be published as a United Nations document and given the widest possible circulation.

D. Modifications required in the approved programme of work

5. No modification in the programme of work for 1990-1991 would be required.

E. Additional requirements at full cost

6. The relevant costs to be financed under Section 29 are estimated at $7,100.

	1990 (US dollars)
Offset reproduction and distribution in the six official languages of the United Nations	7 100

1989/20. Realization of economic, social and cultural rights

A. Requests contained in the draft resolution

1. By operative paragraph 3 of the resolution the Sub-Commission requested the Special Rapporteur to prepare a progress report on the realization of economic, social and cultural rights, taking into account comments made in the discussion on the preliminary report at the forty-first session of the Sub-Commission.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II Centre for Human Rights, subprogramme 4, "Standard setting, research and studies" the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989, as extended through to 1991.

3. The activities are relevant to Section 23 (Human Rights) of the programme budget for the biennium 1990-1991, subprogramme 4, programme element 4.2, intermediate output which calls for assistance to special rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs.

C. Activities by which the proposed request would be implemented

4. It is envisaged that the Special Rapporteur would travel to Geneva for a period of five working days in May/June 1990 for consultations at the Centre.

D. Modifications required in the approved programme of work

5. No modifications in the programme of work would be required.

E. Additional requirements at full cost

	1990 (US dollars)
One round-trip to Geneva for consultations at the Centre for Human Rights (5 working days)	1 200

6. The relevant costs under Section 23 (Human Rights) are estimated at $1,200 for 1990.

1989/28. Question of human rights and states of emergency

A. Requests contained in the draft resolution

1. By operative paragraph 7 of the resolution the Special Rapporteur, Mr. Leandro Despouy was invited to continue his study and to present it to the Sub-Commission at its forty-second session.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II Centre for Human Rights, subprogramme 4, "Standard setting, research and studies", the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989, as extended through to 1991.

3. The objectives are relevant to Section 23, Human Rights of the programme budget for the biennium 1990-1991, subprogramme 4, programme element 4.2, intermediate output which calls for assistance to special rapporteurs for an estimated 15 additional reports, studies and working papers mandated by policy-making organs.

C. Activities by which the proposed request would be implemented

4. It is envisaged that the Special Rapporteur would travel twice to Geneva, initially to prepare his report for submission to the Commission on Human Rights at its forty-sixth session and a second time for the preparation and submission of a further report to the Sub-Commission at its forty-second session. In order to assist the Special Rapporteur in the preparation of his report, extra staffing resources would be required.

5. The extra staff recruited would be required to undertake an in-depth analysis of the situation in all countries concerning the proclamation, extension, maintaining and abrogation of States of exception, including de facto States, as well as undertake other substantive research.

D. Modifications required in the approved programme of work

6. No modifications in the programme of work would be required.

E. Additional requirements at full cost

	1990 (US dollars)
Two round-trips Geneva of the Special Rapporteur (5 working days each time)	9 500
Staffing resources	
1 staff member at the P-4 level (12 months)	99 600

	1990 (US dollars)
Staffing resources (contd.)	
2 staff members a the P-2 level (12 months)	135 200
Other requirements	
Purchase of 1 Wang work station	8 000
	252 300

7. The relevant costs under Section 23 (Human Rights) are estimated at $252,300 for 1990.

1989/34. Draft universal declaration on indigenous rights

A. Requests contained in the draft resolution

1. By operative paragraph 12 of the resolution the Sub-Commission recommended to the Commission on Human Rights that it request the Economic and Social Council to authorize the Working Group on Indigenous Populations to meet for 10 working days prior to the annual forty-second and forth-third sessions of the Sub-Commission for the purpose of intensifying its efforts to complete a draft universal declaration on indigenous rights in consultation with interested governments and organizations of indigenous peoples.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II, Centre for Human Rights, subprogramme 2, "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", the strategy for which is described in paragraph 6.27 of the medium-term plan for the period 1984-1989 as extended through 1991.

3. The activities are particularly relevant to Section 23 (Human Rights) of the proposed programme budget for the biennium 1990-1991, programme element 2.1 output (xix) which calls for substantive servicing of two sessions of the Working Group on Indigenous Populations (Economic and Social Council resolution 1982/34) (third quarter, 1990 and 1991).

C. Activities by which the proposed request would be implemented

4. Five additional days of fully-serviced meetings would be provided for servicing of the Working Group on Indigenous Populations.

D. Modifications required in the approved programme of work for 1990-1991

5. No modifications are required in the approved programme of work for 1990-1991.

E. Additional requirements at full cost

6. The estimated costs for five additional days of fully-serviced meetings under Section 29 (Conference Services), calculated on a full-cost basis, are estimated at $41,800 for 1990 and $42,600 for 1991.

7. Additional per diem for the five members of the Working Group is estimated at $5,800 for 1990 and $5,800 for 1991.

1989/35. Report of the Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States

A. Requests contained in the draft resolution

1. By paragraph 1 of the draft resolution to be adopted by the Economic and Social Council, the Sub-Commission requested the Secretary-General to organize in 1991, and within the existing resources and framework of the United Nations regular programme of technical co-operation, a technical conference on practical experience in the realization of sustainable and environmentally sound self-development by indigenous peoples, with the participation of experts from governments, appropriate specialized agencies, and indigenous peoples organizations, and with the same format and participation as the Seminar on the Effects of Racism and Racial Discrimination on the Social and Economic Relations between Indigenous Peoples and States.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II, "Programme: Centre for Human Rights", subprogramme 3, "Advisory services and technical assistance in the field of human rights", and publications, the objectives for which are described in paragraph 6.29 of the medium-term plan for the period 1984-1989, as extended through to 1991.

3. The following programme element of section 24, Human Rights, of the programme budget for 1990-1991 is directly affected by the activities referred to in the resolution:

Programme element 1.1 - Training

Output (i) Seminars on a specific subject on human rights

C. Activities by which the proposed request would be implemented

4. An international seminar would be held in Geneva on the lines of similar seminars organized within the human rights programme, under the regular programme of technical co-operation.

D. Modifications required in the approved programme of work

5. No modifications in the programme of work for 1990-1991 would be required.

E. Additional requirements at full cost

6. On the assumption that the international seminar would be held in Geneva, using all the official languages of the United Nations, over a period of five working days and will be attended by 25 participants, the costs are estimated as follows:

	1991 (US dollars)
Travel and subsistence of 25 participants	
Travel and subsistence (calculated on an average cost basis)	50 000
Consultants	
Fees for background papers (3 x $1 000)	3 000
	53 000

7. The relevant costs to be financed under Section 24 (Regular programme of technical co-operation) are estimated at $53,000 for 1991.

8. Conference servicing costs, to be financed under Section 29 B, Conference Services, Geneva, are estimated at $208,700.

1989/38. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

A. Requests contained in the draft resolution

1. By operative paragraph 1 of the draft decision to be adopted by the Economic and Social Council, the Special Rapporteur, Mr. Miguel Alfonso Martínez, would be authorized in the course of preparing his preliminary report to undertake the necessary travel for consulting the Secretariat in Geneva and institutions in Washington, D.C. and Seville. By operative paragraph 2 the Sub-Commission requested the Secretary-General to provide all assistance required by the Special Rapporteur to carry out his study and, in particular, to take necessary steps to secure the appointment of the consultant who will assist him during the biennium 1990-1991.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II, Centre for Human Rights, subprogramme 4, "Standard setting, research and studies", the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989, as extended through to 1991.

3. The activities are relevant to Section 23, Human Rights, of the programme budget for the biennium 1990-1991, subprogramme 4, programme element 4.2 intermediate output which calls for assistance to special rapporteurs for an estimated 15 additional reports, studies and working papers mandated by policy-making organs.

C. Activities by which the proposed request would be implemented

4. It is envisaged that the Special Rapporteur would travel to Geneva for a period of five working days in May/June 1990 and May/June 1991 to hold consultations at the Centre and to organize and plan his work in relation to his mandate. It is further envisaged that in connection with the preparation of his study, the Special Rapporteur would travel to Washington, D.C. and to Seville during 1990, with five working days foreseen at each destination. In order to assist the Special Rapporteur in his task, 12 work-months of consultancy services at the P-4 level would be required. The consultant would collect, review and analyse treaties and similar arrangements relating to indigenous populations.

D. Modifications required in the approved programme of work

E. Additional requirements at full cost

	1990	1991
	(US dollars)	
Two round-trips to Geneva of the Special Rapporteur for consultations at the Centre for Human Rights	2 800	2 800
Travel and subsistence costs for the Special Rapporteur		
One round-trip to Washington, D.C. and Seville (10 working days)	4 400	-
Consultant to assist the Special Rapporteur		
12 months at the P-4 level (6 months in 1990 and 6 months in 1991)	49 800	49 800
	57 000	52 600

5. The relevant costs under Section 23 (Human Rights) are estimated at $57,000 for 1990 and $52,600 for 1991.

1989/45. The report of human rights and youth prepared by Mr. Dimitru Mazilu

A. Requests contained in the draft resolution

1. By operative paragraph 4 of the resolution the Sub-Commission requested the Secretary-General to continue to gather and furnish to Mr. Mazilu information relating to his study and to provide Mr. Mazilu with all the assistance he might need in updating his report, including consultations with the Centre for Human Rights.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II Centre for Human Rights, subprogramme 4, "Standard setting, research and studies" the objectives of which are described in paragraph 6.38 of the medium-term plan for the period 1984-1989, as extended through to 1991.

3. The activities are relevant to Section 23 (Human Rights) of the programme budget for the biennium 1990-1991, subprogramme 4, programme element 4.2, intermediate output which calls for assistance to special rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs.

C. Activities by which the proposed request would be implemented

4. It is envisaged that the Special Rapporteur would travel to Geneva for a period of five working days in May/June 1990 for consultations at the Centre. It is also envisaged that the Special Rapporteur would undertake two further trips to Geneva in 1990 to report to the Sub-Commission on this matter at its forty-second session, and to present an interim report to the Commission on Human Rights at its forty-sixth session on the situation of Mr. Mazilu.

D. Modifications required in the approved programme of work

5. No modifications in the programme of work would be required.

E. Additional requirements at full cost

	1990 (US dollars)
One round-trip to Geneva for consultations at the Centre for Human Rights (5 working days)	2 000
Two round-trips to Geneva to present reports to the Sub-Commission and Commission on Human Rights (5 working days each time)	4 000
	6 000

6. The relevant costs under Section 23 (Human Rights) are estimated at $6,000 for 1990.

1989/46. The status of the individual and contemporary international law

A. Requests contained in the draft resolution

1. By operative paragraph 2 of the draft resolution to be adopted by the Economic and Social Council, the Sub-Commission decided that the report of the Special Rapporteur entitled "The status of the individual and contemporary international law" be published and widely disseminated.

B. Relationship of proposed request to the programme of work

2. The activities proposed in the resolution would fall under chapter 6, II, Centre for Human Rights, subprogramme 3, "Advisory services, technical assistance in the field of human rights" the objectives for which are described in paragraph 6.29 of the medium-term plan for the period 1984-1989, as extended through to 1991.

3. The activities are relevant to Section 23, Human Rights of the proposed programme budget for the biennium 1990-1991, subprogramme 3, programme element 3.1 "Documentation and publications", output (iv) which calls for 12 issues of "Selected Human Rights Studies".

C. Activities by which the proposed request would be implemented

4. The study of the Special Rapporteur would be published as a United Nations document and given the widest possible circulation.

D. Modifications required in the approved programme of work

5. No modification in the programme of work of 1990-1991 would be required.

E. Additional requirements at full cost

6. The relevant costs to be financed under Section 29 are estimated at $10,400.

	1990 (US dollars)
Offset reproduction and distribution in the six official languages of the United Nations	10 400

Annex III

LIST OF STUDIES AND REPORTS UNDER PREPARATION BY MEMBERS OF THE SUB-COMMISSION IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

I. STUDIES AND REPORTS WITH NO FINANCIAL IMPLICATIONS

	Title	Entrusted to	Legislative authority	Timetable for completion
1.	Report on the feasibility of preparing a study on the protection of journalists	Mr. Waleed M. Sadi	Sub-Commission resolution 1989/2	To be submitted at the forty-second session of the Sub-Commission
2.	Report on the right to a fair trial	Messrs. Stanislav Chernichenko and William Treat	Sub-Commission resolution 1989/27	To be submitted at the forty-second session of the Sub-Commission and its Working Group on Detention
3.	Report on human rights of detained juveniles	Ms. Mary Bautista	Sub-Commission resolution 1989/31	To be submitted at the forty-second session of the Sub-Commission
4.	Report on a second revised text of a draft universal declaration on indigenous rights	Ms. Erica-Irene A. Daes	Sub-Commission resolutions 1985/22, 1988/18 and 1989/34	To be submitted at the forty-second session of the Sub-Commission and the Working Group on Indigenous Populations
5.	Working paper on the interrelationship between peace and human rights	Mr. Murlidhar Bhandare	Sub-Commission resolution 1989/47	To be submitted at the forty-third session of the Sub-Commission
6.	Concise note on human rights and environment	Ms. Fatma Ksentini	Sub-Commission decision 1989/108	To be submitted at the forty-second session of the Sub-Commission
7.	Working paper on the issue of the privatization of prisons	Mr. Miguel Alfonso Martínez	Sub-Commission decision 1989/110	To be submitted at the forty-second session of the Sub-Commission and its Working Group on Detention
8.	Revised report on administrative detention	Mr. Louis Joinet	Sub-Commission resolution 1987/24 and decisions 1988/110 and 1989/111	To be submitted at the forty-second session of the Sub-Commission
9.	Working paper on means in the area of monitoring respect for the independence of the judiciary	Mr. Louis Joinet	Sub-Commission resolution 1989/22	To be submitted at the forty-second session of the Sub-Commission

a/ This list has been prepared in accordance with Commission resolution 1982/23

II. STUDIES AND REPORTS WHICH ARE CONTINUED AND IMPLY FINANCIAL IMPLICATIONS

	Title	Entrusted to	Legislative authority	Timetable for completion
1.	Final study on human rights and disability	Mr. Leandro Despouy	Sub-Commission resolutions 1984/20 and 1988/8	To be submitted at the forty-second session of the Sub-Commission
2.	Study on recent developments with regard to traditional practices affecting the health of women and children	Ms. Halima Warzazi	Sub-Commission resolution 1989/16 and draft decision 1 */	To be submitted at the forty-third session of the Sub-Commission
3.	Annual updated list of banks, transnational corporations and other organizations assisting South Africa	Mr. Ahmed Khalifa	General Assembly resolution 43/92, ECOSOC resolution 1989/73, Sub-Commission resolution 1989/18 and draft resolution VII */	To be submitted at the forty-second session of the Sub-Commission, the forty-seventh session of the Commission and the forty-fifth session of the General Assembly
4.	Study on the realization of economic, social and cultural rights	Mr. Danilo Türk	ECOSOC decision 1989/138 and Sub-Commission resolution 1989/20	Progress report to be submitted to the forty-second session of the Sub-Commission
5.	Annual report and list of countries which proclaim, extend or terminate a state of emergency	Mr. Leandro Despouy	Sub-Commission resolution 1989/30	To be submitted at the forty-second session of the Sub-Commission
6.	Report on violations of human rights of staff members of the United Nations system	Ms. Mary Bautista	Sub-Commission resolution 1989/20	To be submitted at the forty-second session of the Sub-Commission
7.	Study on treaties, agreements, and other constructive agreements concluded between States and indigenous peoples	Mr. Miguel Alfonso Martinez	ECOSOC resolution 1989/77 and Sub-Commission resolution 1989/38 and draft decision 4 */	Preliminary report to be submitted at the forty-second session of the Sub-Commission
8.	Updated report on human rights and youth	Mr. Dimitru Mazilu	Sub-Commission resolutions 1985/12 and 1989/46	To be submitted at the forty-second session of the Sub-Commission

*/ Subject to approval by the Economic and Social Council

III. NEW STUDIES AND REPORTS WHICH IMPLY FINANCIAL IMPLICATIONS

	Title	Entrusted to	Legislative authority	Timetable for completion
1.	Report on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms	Mr. Theo van Boven	Sub-Commission resolution 1989/13 and draft resolution III */	Preliminary report to be submitted at the forty-second session of the Sub-Commission
2.	Study on the right to freedom of opinion and expression	Messrs. Louis Joinet and Danilo Türk	Sub-Commission resolution 1989/14 and draft resolution IV */	Preliminary report to be submitted at the forty-second session of the Sub-Commission
3.	Study on problems and causes of discrimination against HIV infected people or people with AIDS	Mr. Luis Varela Quirós	Sub-Commission resolution 1989/17 and draft resolution VI */	Preliminary report to be submitted at the forty-second session of the Sub-Commission
4.	Study on possible ways and means of facilitating the peaceful solution of problems involving minorities	Mr. Asbjorn Eide	Sub-Commission resolution 1989/44 and draft decision 6 */	Progress report to be submitted at the forty-second session of the Sub-Commission

*/ Subject to approval by the Economic and Social Council

Annex IV

LIST OF DOCUMENTS ISSUED FOR THE FORTY-FIRST SESSION OF THE SUB-COMMISSION

Documents issued in the general series

Symbol	Agenda item	
E/CN.4/Sub.2/1989/1	2	Provisional agenda - Note by the Secretary-General
E/CN.4/Sub.2/1989/1/Add.1	2	Annotations to the provisional agenda - Prepared by the Secretary-General
E/CN.4/Sub.2/1989/2	4	Review of further developments in fields with which the Sub-Commission has been concerned - Note by the Secretary-General
E/CN.4/Sub.2/1989/3	4	Movement and dumping of toxic and dangerous products and wastes - Report of the Secretary-General
E/CN.4/Sub.2/1989/4	4	Respect for the right to life: elimination of chemicl weapons - Report of the Secretary-General
E/CN.4/Sub.2/1989/5	4	Proposals for a possible study on AIDS and human rights - concise note by Mr. Luis Varela-Quirós
E/CN.4/Sub.2/1989/6	4	Memorandum submitted by the International Labour Office
E/CN.4/Sub.2/1989/7	4	Report submitted by UNESCO
E/CN.4/Sub.2/1989/8 (and Add.1)	5 (a)	Study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination - Report by Mr. A. Eide, Special Rapporteur
E/CN.4/Sub.2/1989/9 (Corr. 1 and Add.1 [English only])	5 (b)	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa - Updated report prepared by Mr. Ahmad M. Khalifa, Special Rapporteur

Symbol	Agenda item	
E/CN.4/Sub.2/1989/10		Not issued
E/CN.4/Sub.2/1989/11	6	Note by the Secretary-General relating to the question of Palestine and other Arab territories
E/CN.4/Sub.2/1989/12	6	Note by the Secretary-General relating to the situation of human rights in Haiti
E/CN.4/Sub.2/1989/13	6	Note by the Secretary-General concerning the human rights situation in El Salvador
E/CN.4/Sub.2/1989/14 (and Add. 1)	6	Note by the Secretary-General concerning the situation of human rights in Albania
E/CN.4/Sub.2/1989/15	6	Note by the Secretary-General concerning the situation of human rights in Chile
E/CN.4/Sub.2/1989/16	7	Report of the Secretary-General on the right to adequate food as a human right
E/CN.4/Sub.2/1989/17	7	Technical assistance for the strengthening of legal institutions - Report of the Secretary-General
E/CN.4/Sub.2/1989/18	8, 10,	Note verbale dated 23 December 1989 from the Permanent Mission of Haiti to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/Sub.2/1989/19	7	Realization of Economic, Social and Cultural Rights - Preliminary report prepared by Mr. Danilo Türk, Special Rapporteur
E/CN.4/Sub.2/1989/20 (and Add.1)	9 (a)	Report of the Secretary-General - Information submitted by Governments
E/CN.4/Sub.2/1989/21 (and Add.1)	9 (a)	Report of the Secretary-General containing information submitted by specialized agencies and intergovernmental organizations

Symbol	Agenda item	
E/CN.4/Sub.2/1989/22	9 (a)	Synopsis of material received from non-governmental organizations in consultative status with the Economic and Social Council prepared by the Secretariat
E/CN.4/Sub.2/1989/23	9 (a)	Report of the Secretary-General - Succint information on the work of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, developments elsewhere in the human rights programme and the activities within the United Nations programme on crime prevention and control as they relate to the question of human rights of persons subjected to any form of detention or imprisonment
E/CN.4/Sub.2/1989/24 (and Add.1-3)	9	Analytical compilation of comments and views on the "Draft declaration on the protection of all persons from enforced or involuntary disappearance" - Report of the Secretary-General
E/CN.4/Sub.2/1989/25	9 (a)	Report of the Secretary-General describing the work being done by other international fora on international standards for adequate investigations into all cases of suspicious deaths in detention, as well as adequate autopsy.
E/CN.4/Sub.2/1989/26	4	The right to freedom of opinion and expression - Working paper prepared by Mr. Danilo Türk
E/CN.4/Sub.2/1989/27	9 (a)	Report on the practice of administrative detention, submitted by Mr. Louis Joinet
E/CN.4/Sub.2/1989/28	9 (a)	Protection of the human rights of United Nations staff members, experts and their families - Preliminary report by Ms. Mary Concepción Bautista

Symbol	Agenda item	
E/CN.4/Sub.2/1989/29	9	Report of the Working Group on Detention
E/CN.4/Sub.2/1989/30 (and Add.1 and Add.2/ Rev.1)	9 (b)	Third annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency presented by Mr. Leandro Despouy, Special Rapporteur
E/CN.4/Sub.2/1989/31 (and Add.1)	11	Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1987/33
E/CN.4/Sub.2/1989/32	11	Working paper prepared by Mr. Theo van Boven
E/CN.4/Sub.2/1989/33	13	First revised text of the Draft Universal Declaration on Rights of Indigenous Peoples prepared by the Chairman-Rapporteur of the Working Group of Indigenous Populations, Ms. Erica-Irene A. Daes
E/CN.4/Sub.2/1989/33/Add.1 (and Add.2 and Add.3)	13	Analytical compilation of observations and comments received
E/CN.4/Sub.2/1989/35 (Part I)	13	Hopi-Navajo Relocation - Summary of information submitted by Ms. Erica-Irene A. Daes
E/CN.4/Sub.2/1989/35 (Part II) (and Add.1)	13	Discrimination against indigenous peoples - The reloction of Hopi and Navajo families - Report submitted by Mr. John Carey
E/CN.4/Sub.2/1989/36	12	Report of the Working Group on Indigenous Populations on its seventh session
E/CN.4/Sub.2/1989/37	14	Study on ways and means for establishing an effective mechanism for the implementation of the Slavery Conventions, prepared by the Secretary-General
E/CN.4/Sub.2/1989/38	14	Sale of children - Note by the Secretary-General

Symbol	Agenda item	
E/CN.4/Sub.2/1989/39	14	Report of the Working Group on Slavery
E/CN.4/Sub.2/1989/40	15 (a)	Status of the individual and contemporary international law. Final report prepared by Mrs. Erica-Irene A. Daes, Special Rapporteur
E/CN.4/Sub.2/1989/41 (and Add.1)	15 (b)	Report on Human Rights and Youth prepared by Mr. Dimitru Mazilu, Special Rapporteur
E/CN.4/Sub.2/1989/42 (and Add.1)	4	Study on Traditional Practices affecting the health of women and children - Preliminary report by Ms. Halima Embarek Warzazi, Special Rapporteur
E/CN.4/Sub.2/1989/43	15 (d)	Possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities - Working Paper prepared by Ms. Claire Palley
E/CN.4/Sub.2/1989/44 (and Add.1-7)	16	Report of the Secretary-General containing comments by States and organizations on the draft declaration on the right to leave and to return
E/CN.4/Sub.2/1989/45	9 (b)	Letter dated 6 July 1989 from the Permanent Representative of the Republic of South Africa to the United Nations Office at Geneva, addressed to the Secretariat
E/CN.4/Sub.2/1989/46	6, 11	Letter dated 6 July 1989 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/Sub.2/1989/47	3	Working paper presented by Mr. Theo van Boven and Mr. Asbjorn Eide

Symbol	Agenda item	
E/CN.4/Sub.2/1989/48	6	Letter dated 27 July 1989 from the chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/Sub.2/1989/49	13	Note by the Secretary-General
E/CN.4/Sub.2/1989/50	9 (a)	Letter dated 7 August 1989 from the Permanent Mission of Lebanon to the United Nations Office at Geneva, addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1989/51	3	Working paper presented by Mr. Chernichenko and Mr. Treat
E/CN.4/Sub.2/1989/52	6, 11	Letter dated 7 August 1989 from the Permanent Representative of Bulgaria to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/Sub.2/1989/53	15 (b)	Note verbale dated 15 August 1989 from the Permanent Mission of the Socialist Republic of Romania to the United Nations Office at Geneva addressed to the Centre for Human Rights
E/CN.4/Sub.2/1989/54	16	Working paper prepared by Mr. Ion Diaconu
E/CN.4/Sub.2/1989/55	6	Working paper submitted by Mr. Chernichenko
E/CN.4/Sub.2/1989/56	6	Letter dated 31 August 1989 from the Permanent Representative of the People's Republic of China to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights

Symbol	Agenda item	
E/CN.4/Sub.2/1989/57	6	Letter dated 11 September 1989 from the Permanent Representative of Singapore to the United Nations Office at Geneva, addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
Documents issued in the limited series		
E/CN.4/Sub.2/1989/L.1	17	Draft provisional agenda for the forty-second session of the Sub-Commission: note by the Secretary-General
E/CN.4/Sub.2/1989/L.2	3	Mr. Assouma, Ms Attah, Ms. Bautista, Ms. Daes and Mr. Diaconu: draft resolution
E/CN.4/Sub.2/1989/L.3	3	Ms. Bautista: draft resolution
E/CN.4/Sub.2/1989/L.4	4	Mr. Alfonso Martínez, Ms. Bautista, Ms. Daes, Mr. Diaconu, Mr. Fix-Zamudio, Mr. Suescún, Mr. Türk and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1989/L.5	5 (b)	Mr. Alfonso Martínez, Mr. Al-Khasawneh, Mr. Assouma, Ms. Bautista, Mr. Bhandare, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Fix-Zamudio, Mr. Hatano, Mr. Tian Jin, Mr. Joinet, Ms. Ksentini, Ms. Mbonu, Ms. Palley, Mr. Suescun, Mr. Treat, Mr. Türk, Mr. Turunji, Mr. Varela Quirós and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1989/L.6	4	Ms. Daes and Ms. Palley: draft decision
E/CN.4/Sub.2/1989/L.7	3	Mr. Alfonso Martínez, Mr. van Boven, Mr. Chernichenko and Mr. Eide: draft resolution
E/CN.4/Sub.2/1989/L.8	4	Mr. Assouma and Ms. Mbonu: draft resolution

Symbol	Agenda item	
E/CN.4/Sub.2/1989/L.9/Rev.1	4	Mr. Chernichenko, Ms. Daes, Mr. Hatano, Mr. Khalifa and Mr. Treat: draft resolution
E/CN.4/Sub.2/1989/L.12	4	Mr. Assouma, Mr. Alfonso Martínez, Mr. Al-Khasawneh, Mr. Assouma, Mr. Bhandare, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Fix Zamudio, Mr. Hatano, Mr. Ilkahanaf, Mr. Khalifa, Ms. Ksentini, Ms. Palley, Mr. Suescún, Mr. Treat and Mr. Varela: draft resolution
E/CN.4/Sub.2/1989/L.13	10	Mr. Alfonso Martínez, Mr. van Boven, Mr. Despouy, Mr. Eide, Mr. Fix Zamudio and Mr. Türk: draft resolution
E/CN.4/Sub.2/1989/L.14	12	Mr. Alfonso Martínez, Ms. Bautista, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Flinterman, Mr. Treat and Mr. Türk: draft resolution
E/CN.4/Sub.2/1989/L.15	4	Ms. Bautista, Mr. Despouy, Mr. Fix Zamudio, Mr. Joinet, Mr. Suescún, Mr. Türk and Mr. Varela-Quiros: draft resolution
E/CN.4/Sub.2/1989/L.16	4	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1989/L.4. Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1989/L.17	5 (b)	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1989/L.5. Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

Symbol	Agenda item	
E/CN.4/Sub.2/1989/L.18	4	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1989/L.12. Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1989/L.19	11	Mr. Al-Khasawneh, Ms. Bautista, Mr. Chernichenko, Mr. Eide, Mr. Fix Zamudio, Mr. Iklahanaf, Mr. Treat and Mr. Türk: draft resolution
E/CN.4/Sub.2/1989/L.20	9	Mr. Chernichenko, Mr. Despouy, Mr. Eide, Ms. Palley and Mr. Treat: draft resolution
E/CN.4/Sub.2/1989/L.21/Rev.1	9	Mr. Alfonso Martínez, Mr. Bhandare, Mr. van Boven and Ms. Daes: draft resolution
E/CN.4/Sub.2/1989/L.22	12	Mr. Alfonso Martínez: draft resolution
E/CN.4/Sub.2/1989/L.23	4	Mr. Alfonso Martínez, Mr. Al-Khasawneh, Ms. Bautista, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Mr. Suescún and Ms. Warzazi: draft decision
E/CN.4/Sub.2/1989/L.24	6	Mr. Sadi: draft resolution
E/CN.4/Sub.2/1989/L.25	4	Mr. van Boven, Ms. Daes, Mr. Hatano, Ms. Ksentini and Mr. Varela Quirós: draft resolution
E/CN.4/Sub.2/1989/L.26	6	Mr. Alfonso Martínez, Mr. Assouma, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Fix Zamudio, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalifa, Ms. Ksentini, Ms. Mbonu, Mr. Sadi, Mr. Shao Jin, Mr. Suescún, Mr. Türk and Ms. Warzazi: draft resolution

Symbol	Agenda item	
E/CN.4/Sub.2/1989/L.27	6	Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Ilkahanaf, Mr. Khalifa, Ms. Ksentini and Mr. Sadi: draft resolution
E/CN.4/Sub.2/1989/L.28	3	Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Varela Quirós and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1989/L.29	3	Mr. Alfonso Martínez, Mr. Bhandare, Mr. van Boven, Mr. Chernichenko, Mr. Eide and Mr. Türk: draft decision
E/CN.4/Sub.2/1989/L.30	16	Mr. van Boven, Mr. Despouy, Mr. Hatamo, Mr. Treat and Mr. Varela Quirós: draft resolution
E/CN.4/Sub.2/1989/L.31	6	Ms. Bautista, Mr. van Boven, Mr. Eide, Mr. Fix Zamudio, Mr. Hatano, Mr. Joinet, Ms. Palley and Mr. Treat: draft resolution
E/CN.4/Sub.2/1989/L.32	6	Mr. van Boven, Mr. Eide, Mr. Fix Zamudio, Mr. Joinet, Ms. Palley, Mr. Suescún, Mr. Treat and Mr. Varela Quirós: draft resolution
E/CN.4/Sub.2/1989/L.34	6	Ms. Daes, Mr. Eide, Mr. Fix Zamudio, Mr. Hatano and Ms. Palley: draft resolution
E/CN.4/Sub.2/1989/L.35	6	Ms. Palley: draft resolution
E/CN.4/Sub.2/1989/L.36/Rev.1	6	Ms. Bautista, Ms. Daes and Mr. Eide: draft resolution
E/CN.4/Sub.2/1989/L.37	6	Mr. Despouy, Mr. Eide, Mr. Fix Zamudio, Mr. Joinet and Mr. Suescún: draft resolution
E/CN.4/Sub.2/1989/L.38/Rev.1	6	Mr. van Boven, Mr. Eide, Mr. Treat, Ms. Palley and Mr. Varela Quirós: draft resolution

Symbol	Agenda item	
E/CN.4/Sub.2/1989/L.39	6	Ms. Palley: draft resolution
E/CN.4/Sub.2/1989/L.40	13	Mr. Treat: draft resolution
E/CN.4/Sub.2/1989/L.41	5 (a)	Mr. Alfonso Martínez, Mr. Assouma, Mr. Bhandare, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Diaconu, Mr. Fix Zamudio, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalifa, Ms. Ksentini, Ms. Mbonu, Ms. Palley, Mr. Sadi, Mr. Suescún, Mr. Tian Jin, Mr. Treat, Mr. Türk, Mr. Varela Quirós and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1989/L.42	7	Mr. Alfonso Martínez, Mr. Bhandare, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Fix Zamudio, Mr. Ilkahanaf, Mr. Tian Jin, Mr. Joinet, Ms. Ksentini, Ms. Palley, Mr. Sadi, Mr. Suescún, Mr. Treat, Mr. Varela and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1989/L.43	13	Mr. Alfonso Martínez, Mr. van Boven, Ms. Daes, Mr. Tian Jin, Ms. Mbonu and Mr. Türk: draft resolution
E/CN.4/Sub.2/1989/L.44	13	Mr. Alfonso Martínez, Mr. van Boven, Ms. Daes, Mr. Tian Jin and Mr. Türk: draft resolution
E/CN.4/Sub.2/1989/L.45	13	Mr. Alfonso Martínez, Mr. van Boven, Ms. Daes, Ms. Mbonu, Mr. Tian Jin and Mr. Türk: draft resolution
E/CN.4/Sub.2/1989/L.46	13	Mr. Alfonso Martínez, Ms. Daes, Ms. Mbonu, Mr. Tian Jin and Mr. Türk: draft resolution
E/CN.4/Sub.2/1989/L.47/Rev.1	13	Mr. Alfonso Martínez, Ms. Daes, Mr. Tian Jin and Mr. Türk: draft resolution

Symbol	Agenda item	
E/CN.4/Sub.2/1989/L.48	9 (b)	Mr. Alfonso Martínez, Mr. Assouma, Mr. Bhandare, Mr. Chernichenko, Ms. Daes, Mr. Joinet, Mr. Khalifa, Ms. Ksentini, Mr. Treat, Mr. Türk and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1989/L.49	13	Mr. Alfonso Martínez, Ms. Daes, Mr. Shao Jin, Ms. Mbonu and Mr. Türk: draft resolution
E/CN.4/Sub.2/1989/L.50	7	Mr. Alfonso Martínez, Mr. Assouma, Mr. Despouy, Mr. Diaconu, Mr. Fix Zamudio, Ms. Ksentini and Mr. Suescún: draft resolution
E/CN.4/Sub.2/1989/L.51	4	Mr. Assouma, Ms. Bautista, Mr. Despouy, Mr. Fix Zamudio, Ms. Mbonu, Mr. Sadi, Mr. Suescún, Mr. Treat, Mr. Türk and Ms. Warzazi: draft decision
E/CN.4/Sub.2/1989/L.52	4	Mr. Alfonso Martínez: draft resolution
E/CN.4/Sub.2/1989/L.53	15 (d)	Ms. Bautista, Mr. Bhandare, Mr. van Boven, Mr. Carey, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Fix Zamudio, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalifa, Ms. Mbonu, Ms. Palley, Mr. Suescún, Mr. Türk and Mr. Varela Quirós: draft resolution
E/CN.4/Sub.2/1989/L.54	4	Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Eide, Mr. Fix Zamudio, Mr. Hatano, Mr. Ilkahanaf, Ms. Palley, Mr. Treat and Mr. Varela Quirós: draft resolution
E/CN.4/Sub.2/1989/L.55	5	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1989/L.41. Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

Symbol	Agenda item	
E/CN.4/Sub.2/1989/L.56	9	Mr. Alfonso Martínez, Ms. Bautista, Mr. Joinet, Ms. Mbonu and Mr. Türk: draft resolution
E/CN.4/Sub.2/1989/L.57	15 (b)	Mr. Diaconu: draft resolution
E/CN.4/Sub.2/1989/L.58	15 (b)	Mr. van Boven, Ms. Daes, Mr. Eide, Mr. Fix Zamudio, Mr. Hatano, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley, Mr. Treat and Mr. Varela Quirós: draft resolution
E/CN.4/Sub.2/1989/L.59	4	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1989/L.4. Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1989/L.60	14	Ms. Bautista, Mr. Diaconu, Mr. Eide, Ms. Ksentini and Mr. Varela Quirós: draft resolution
E/CN.4/Sub.2/1989/L.61	9 (a)	Mr. Eide, Mr. Ilkahanaf, Mr. Sadi and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1989/L.62	14	Ms. Bautista, Mr. Diaconu, Mr. Eide, Ms. Ksentini and Mr. Varela Quirós: draft resolution
E/CN.4/Sub.2/1989/L.63	14	Ms. Bautista, Mr. Diaconu, Mr. Eide, Ms. Ksentini and Mr. Varela Quirós: draft resolution
E/CN.4/Sub.2/1989/L.64	14	Ms. Bautista, Mr. Diaconu, Mr. Eide, Ms. Ksentini and Mr. Varela Quirós: draft resolution
E/CN.4/Sub.2/1989/L.65	13	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1989/L.49. Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

Symbol	Agenda item	
E/CN.4/Sub.2/1989/L.66	4	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1989/L.25. Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1989/L.67	9	Mr. Despouy, Mr. Eide, Mr. Fix Zamudio, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Ms. Palley, Mr. Treat, Mr. Türk, Mr. Varela Quirós and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1989/L.68	9	Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven and Ms. Daes: draft decision
E/CN.4/Sub.2/1989/L.69	9	Mr. Alfonso Martínez, Ms. Bautista and Mr. Joinet: draft resolution
E/CN.4/Sub.2/1989/L.70	9	Mr. Alfonso Martínez and Ms. Bautista: draft resolution
E/CN.4/Sub.2/1989/L.71	9	Mr. Bhandare, Mr. Eide and Mr. Varela Quirós: draft resolution
E/CN.4/Sub.2/1989/L.72	3	Mr. Chernichenko: draft resolution
E/CN.4/Sub.2/1989/L.73	15 (a)	Mr. Despouy, Mr. Eide, Mr. Türk, Mr. Varela Quirós and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1989/L.74	15 (a)	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1989/L.73. Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

Symbol	Agenda item	
E/CN.4/Sub.2/1989/L.75	15	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1989/L.58. Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1989/L.76	9 (b)	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1989/L.48. Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1989/L.77	13	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1989/L.44. Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1989/L.78	3	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1989/L.7. Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1989/L.79	4	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1989/L.9/Rev.1 - Statement submitted by the Secretary-General in accordance wih rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

Symbol	Agenda item	
E/CN.4/Sub.2/1989/L.80	7	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1989/L.42 - Statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

Documents issued in the non-governmental organization series (issued in English, French and Spanish only)

E/CN.4/Sub.2/1989/NGO/1	15 (b)	Written statement submitted by the International Federation Terre des Hommes and Defence for Children International, non-governmental organizations in consultative status (category II and Roster)
E/CN.4/Sub.2/1989/NGO/2	6	Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1989/NGO/3	6	Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1989/NGO/4	16	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1989/NGO/5	10	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1989/NGO/6	7, 15	Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)

Symbol	Agenda item	
E/CN.4/Sub.2/1989/NGO/7	9 (b)	Written statement by the International Law Association, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1989/NGO/8	13	Written statement by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (Roster)
E/CN.4/Sub.2/1989/NGO/9	7	Written statement by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (Roster)
E/CN.4/Sub.2/1989/NGO/10	16	Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1989/NGO/11	9 (a)	Written statement submitted by the International Association of Educators for World Peace, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1989/NGO/12	9 (a)	Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)